900 S.W. Jackson Street, Suite 600
Topeka, Kansas 66612-1212
(785) 296-3203
www.ksde.org

Danny Zeck District 1
Melanie Haas District 2
Michelle Dombrosky District 3
Ann E. Mah District 4
Cathy Hopkins District 5
Dr. Deena Horst District 6
Dennis Hershberger District 7
Betty J. Arnold District 8
Jim Porter District 9
Jim McNiece District 10

Meeting Agenda Tuesday, June 11, 2024

TIME	ITEM		PRESENTER
10:00 a.m.	1. Call to order and Roll Call 2. Mission Statement, moment of silence, pledge of allegiance 3. Approval of agenda 4. Approval of minutes for May 14 & 15, 2024		Melanie Haas, Chair
10:05 a.m. (IO)	5. Commissioner's Report	25 min	Dr. Randy Watson
10:30 a.m. (IO)	6. Citizen's Open Forum	15 min	
10:45 a.m. (IO/AI/RI)	7. Legislative Matters (IO) Act on Special Ed Distribution Formula (AI) Receive Budget Recommendations (RI)	75 min	Dr. Frank Harwood, Deputy Commissioner, Fiscal and Administrative Services
12 NOON	Lunch	1.5 hour	
1:30 p.m. (IO)	8. Receive Hearing Officer's Recommendations regarding USD 115 Petition for Land Transfer	60 min	R. Scott Gordon, KSDE, General Counsel
2:30 p.m. (IO)	9. USD 115/USD 113 oral arguments for 30 min each	60 min	USD 115 and USD 113 Legal Representatives
3:30 p.m.	Break (10 min)		
3:40 p.m. (IO)	10. EXECUTIVE SESSION (Physical Security District Action Plans)	30 min	John Calvert, Safe and Secure Schools

4:10 p.m. (AI)	11. Act on ESSER III Change Requests for use of Federal Covid 19 relief funds 10 min	Doug Boline, Assistant Director, Special Ed & Title Services
4:20 p.m. (AI)	12. Act on ERC Recommendations for higher education program approvals 10 min	Dr. Catherine Chmidling, Accreditation and Design
4:30 p.m. (RI)	13. Receive recommendations for new appointments for Professional Practices Commission 20 min	Shane Carter, Director, Teacher Licensure
4:50 p.m.	Break (10 min)	
5:00 p.m. (AI)	14. Act on Teacher Licensure Literacy Requirements 20 min	Shane Carter, Director, Teacher Licensure
5:20 p.m. (IO)	15. EXECUTIVE SESSION Land Transfer	Mark Ferguson, Board Attorney
6:00 p.m.	Recess	

The Board is warmly invited to join the *New Superintendents Bar-B-Que* hosted by the Kansas School Superintendents Association (KSSA) at the steak fry being held at the Kansas Association of School Boards. It begins at 5:30 and is 1420 SW Arrowhead Rd, Topeka, KS.

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Meeting Agenda Wednesday, June 12, 2024

TIME	ITEM	PRESENTER
9:00 a.m.	Call to Order	Melanie Haas, Chair
9:05 a.m. (AI)	1. Act on USD 115 Land Transfer Petition Recap from Scott Gordon, Board Discussion and Action 1.5 hours	R. Scott Gordon, KSDE General Counsel
10:35 a.m.	Break (10 min)	
10:45 a.m. (RI)	2. Receive proposed amendment to accreditation regulation 91-31-35 (minimum high school graduation requirements) regarding FAFSA 45 min	Dr. Ben Proctor, Deputy Commissioner Learning Services Jon Rolph, KBOR Board Chair Scott Gordon, General Counsel KSDE
11:30 a.m. (IO)	3. Teacher of the Year 2024 Team Recap and Summary 30 min	Denise Kahler, Director, Communications
12:00 NOON	Lunch 1 HOUR	
1:00 p.m. (RI)	4. Receive Item KESA school improvement and accreditation model 45 min	Dr. Ben Proctor and Jay Scott
1:45 p.m. (IO)	5. Special Education Advocacy Council (SEAC) Quarterly Report to the State Board 15 min	Marvin Miller, Jennifer King, Leslie Graf from SEAC
2:00 p.m.	Break (10 min)	
2:10 p.m. (IO)	6. Overview of Career and Tech Ed Pathways 30 min	Natalie Clark, Assistant Director, Career and Tech Ed
2:40 p.m. (AI)	7. Consent Agenda 15 min	
	a. Receive monthly personnel report and personnel appoints to unclassified positions	Wendy Fritz, Director, HR

	b. Notification to the KSBE of the intention of a private schools to participate in the Tax Credit Low Income Student Scholarship: Program Classical School of Wichita	Dale Brungardt, Director, School Finance
	c. Act on Request from USD 105 Rawlins County, Rawlins County, to hold a bond election.	Dr. Frank Harwood
	d. Act on request from USD 105 Rawlins County, Rawlins County, to receive Capital Improvement (Bond and Interest) State Aid.	Dr. Frank Harwood
	e. Act on FY25 grant awards for IDEA VI-B Special Education Targeted Improvement Plan Grants	Kerry Haag, Assistant Director, Special Education and Title Services
	f. Act to authorize the funding of a contract necessary for the provision of technical assistance for the 21st Century Community Learning Centers grant	Christine Macy, Coordinator, Special Education and Title Services
	g. Act to approve recommendations for Funding New Kansas 21st Century Community Learning Centers for 2024-2025	Christine Macy
	h. Act on recommendations for continued funding of Kansas 21st Century Community Learning Centers for 2024-2025	Christine Macy
	i. Act to approve Kansas Registered Teacher Apprenticeship Pilot MeadowLARK Grant Funds	Shane Carter
	j. Act on request to contract with America Learns, LLC, for the AmeriCorps Impact Suite software	Jessica Dorsey, Volunteer Commission

	k. Kansas School for the Blind Contracts • Authorize KSSB to renew a contract with Kansas City, KS Police Department (KCKPD) for daytime and overnight security services for the 2024/2025 school year • Authorize KSSB to renew a contract with Vocovision for Speech Language Pathology Services • Authorize KSSB to renew contract with Accessible Arts, Inc. for facilities use and art instruction • Authorize KSSB to renew contract with Soliant Health for nursing services in school dormitory • Authorize KSSB to enter into contract with Corporate Cleaning Group, Inc.	Superintendent Jon Harding
	l. Authorize out-of-state tuition contracts for students attending Kansas State School for the Blind	Superintendent Jon Harding
	m. Assurances form for School for the Blind (IDEA Part B funds)	Superintendent Jon Harding
	n. Career and Technical Education (CTE) Pathway Credential Recommendations	Natalie Clark, Director, Career and Tech Ed
	o. Act to approve renewal of the Smoky Hill/Central Kansas Education Service Center's Interlocal Agreement	R. Scott Gordon, KSDE General Counsel
	p. Act to approve renewal of the Southwest Plains Regional Service Center Interlocal Agreement	R. Scott Gordon, KSDE General Counsel
	q. Act on request to increase funding with contract for the Office of Administrative Hearings for service	R. Scott Gordon, KSDE General Counsel

2:55 p.m. (AI)	8. Chair Report 20 min a. Remarks from the Chair b. Remarks from the Board Attorney c. Act on board travel requests d. Committee reports e. Requests for future agenda items	
3:15 p.m.	Adjourn	

MINUTES

Kansas State Board of Education
Tuesday, May 14, 2024

Call to Order

Chair Melanie Haas called the Tuesday meeting of the Kansas State Board of Education to order at 10:00 a.m. Tuesday, May 14, 2024, in the boardroom of the Landon State Office Building, 900 SW Jackson St., Topeka, Kansas. (00:06:34)

Roll Call

The following board members were present: (00:08:30)

Mrs. Betty Arnold (Zoom)	Mrs. Michelle Dombrosky (Zoom)
Mrs. Melanie Haas, Chair	Mr. Dennis Hershberger
Mrs. Cathy Hopkins	Dr. Deena Horst
Mrs. Ann Mah	Mr. Jim McNiece (Zoom)
Mr. Jim Porter, Vice Chair	Mr. Danny Zeck

The Board Attorney Mark Ferguson could not be present at this meeting. KSDE General Counsel R. Scott Gordon took his place at the board table for the duration of Tuesday and Wednesday.

Kansas State Board mission statement, Kansans Can Vision statement, silence, Pledge of Allegiance

Chair Haas read both the board's mission statement and Kansans Can Vision statement. She asked for a moment of silence after which the Pledge of Allegiance was recited by all.

Approval of the Agenda

Chair Haas asked for a motion to approve the meeting agenda for both Tuesday and Wednesday. Mrs. Dombrosky requested the removal of items d, e, f, i, j and l from the consent agenda. She requested that in reference to item f, she would like to see some examples of questions from the state assessments as prepared by the KU team. Dr. Watson assured her that this would be possible.

Mrs. Hopkins made a motion to approval the agenda for Tuesday and Wednesday with d, e, f, i, j, and l being removed from consent. Dr. Horst seconded the motion. Motion carried 10-0. Motion (00:10:57)

Approval of the April 9 & 10, 2024 minutes

The Chair asked for a motion to approve the minutes of April 9 & 10, 2024. In April there was a site visit to the Kansas Schools for the Blind and the Deaf.

Mr. Porter moved to accept the minutes of April 9 & 10, 2024 as written. Mr. Hershberger seconded the motion. Motion carried 10-0. (00:11:13) Motion

Commissioner Report

(00:11:29) Watson

Dr. Watson began his report by celebrating 2024 graduations. He went over the four state board goals and reflected on the progress being made on each goal.
Goal 1: Provide effective educators in every school district
Goal 2: To enhance each student for post-secondary opportunities and success
Goal 3: Enhance engagement and partnership with families, communities, business and policy stakeholders
Goal 4: Provide a safe and secure environment to attend school

Citizen's Open Forum

(00:25:50) Forum

Chair Haas opened the forum and invited first speaker to come forward.

The first four speakers were representing private religious schools in Kansas, and they all spoke about the accreditation and school improvement model KESA:
Dr. Nick Compagnone, Executive Director, St. Mary's Catholic School
Geoff Andrews, Superintendent of Schools, Salina Catholic Diocese
James Bradshaw, Superintendent, Lutheran Schools of Kansas
Dr. Jamie Finkeldei, President, Kansas Assoc. of Independent and Religious Schools
Each speaker presented written comments which were disbursed to the board members.
Three speakers then spoke on the land transfer situation between USD 113 and USD 115:
Ross Mosteller, Bern, Kansas, private citizen
Amy Sudbeck, Seneca, Kansas, school board president, USD 115 Nemaha
Josh Nye, Topeka, Attorney for USD 115
The speakers all presented written comments which were disbursed to the board members. Mr. Nye presented a motion for oral argument on behalf of his client USD 115 Nemaha Central.

Fort Hays State University (FHSU) Department of Teacher Education

(01:02:40) FHSU

FHSU is a major educator of teachers in the western part of Kansas. They have a long history in education and are presently innovating to continue to provide excellent teachers, 85% of whom stay to teach in Kansas and 50% stay west of Salina.

The speakers were:
Mrs. Rachel Wentling, Director of Field Experiences
Dr. Jerrie Brooks, Assistant Professor in Advanced Education Programs
Kyler Barlow, Academic Program Specialist
Dr. Janet Stramel, Professor, Teacher Education

Board member Cathy Hopkins, of Hays, thanked the team for coming and sharing the details of FHSU's innovative and successful teacher training.

School Mental Health Committee Update

(1:27:32) Mental Health

Trish Backman, Coordinator, Special Ed and Title Services, gave a comprehensive annual update from the Committee which oversees mental health in schools. She discussed the Mental Health Intervention Team (MHIT), Inter-agency partnership such as working with Kansas State Department of Health, the 2023 Updated Toolkit for administrators and teachers to access, TASN school mental health initiative, the agency Families Together, the Kansas Parent Information Center (KPIC), and how mental health fits in with the Kansans Can Competency Framework.

Senate Youth Delegates

(02:01:25) Senate Youth

Denise Kahler, Director, Communications, introduced this year's two delegates from Kansas who served internships in the US Senate. Madisen Finch of Leavenworth High School and Tucker Lech of Neodesha High school, both gave impressive presentations about their time working at the US Senate and how it has influenced their lives and future plans.

Public Hearing on Amendments to K.A.R. 91-31-35

(03:35:38) Public Hearing

As part of the procedure for changing regulations for the minimum graduation requirements, a public hearing is offered during a board meeting. After lunch, such a time was offered. There was one speaker, Tamara Seyler-James, private citizen from Overland Park, Kansas. She spoke about her opposition to a section of the proposed amendments to K.A.R. 91-31-35 which add the completion of FAFSA (free application for federal student aid) to the requirements. She provided written testimony to the board which was disbursed.

(Note: Item 11 on the agenda "receive Narcan Policy for Kansas State School for the Deaf (KSSD)" was moved to the July agenda in response to a request from KSSD.)

Receive Evaluation Review Committee for higher education program approvals

(The livestream was not working for about 10 min)

Dr. Catherine Chmidling, Accreditation and Design presented the recommendations for Bethel College, Friends University, MidAmerica Nazarene University, Pittsburg State University, University of Saint Mary, and Wichita State University. This is a receive item and will be voted on in June.

Act on ESSER III Allocation Recommendations

(03:41:17) ESSER III

Dr. Watson went over the ESSER III Allocations which are necessary to use up the remaining Covid-19 special funding before they become unavailable.

Motion (04:16:55)

Mr. Porter moved that the Kansas State Board of Education approve the ESSER III allocation recommendations. Mrs. Hopkins seconded the motion. Motion carried 8-0-1

with Mrs. Dombrosky abstaining.

Discussion on Teacher Licensure Literacy Requirements/Action Item testing (04:17:29) Teacher Licensure

Shane Carter, Director, Teacher Licensure, presented an overview of the changes in teacher licensure as all elementary Kansas schools move into teaching reading with the techniques of structured literacy. In the past there were many ways of teaching children how to read, but with time and study, it has become clear that the best way to teach children of all abilities is to use the research recommended techniques of the science of reading and structured literacy. This will become embedded in all parts of learning as reading is used in many fields, so all elementary teachers, whether they are teaching language arts, history, government, or social studies, all special ed teachers, all active school psychologies and all active elementary administrators will be trained and certified so they can work together to effectively educate students.

Mr. Carter explained the updated licensure regulations and how this training will be maintained by KSDE's literacy team. The initial training list will include 1. LETRS, 2. Pathways to Proficient Reading, 3. Keys to Literacy. The trainings are funded for the teachers and staff.

The action item is for the state board to adopt a new elementary education test and adopt the recommended cut scores for the elementary subtest.

Mrs. Mah moved that the Kansas State Board of Education adopt the Elementary Education: Teaching Reading, Mathematics, Social Studies and Science test (Test code #7001) to assess pre-service elementary teacher candidates' knowledge of the science of reading and structured literacy. This exam will go into effect on September 1, 2024, with the previous Elementary Content Knowledge for Teaching test to remain in place during a transition period that expires on August 31, 2025. It is further recommended that the Kansas State Board of Education adopt the recommended cut scores for the Elementary sub-test as follows: Motion (04:24:23)

- Reading subtest: 143
- Mathematics subtest: 157
- Social Studies subtest: 155 and
- Science subtest 159.

Mrs. Hopkins seconded the motion. Motion carried 8-0-1. Mrs. Dombrosky abstained.

Mr. Carter continued sharing how veteran educators and other teachers would receive this training or take a test showing knowledge. This will continue to be developed and presented to the board at a future meeting to review and approve.

Act on Recommendations of the Professional Practices Commission (PPC) (suspend) (05:04:35) PPC

Scott Gordon, General Counsel, reviewed 24-PPC-05, a case that has been

recommended for suspension.

Dr. Horst moved that the Kansas State Board of Education adopt the findings of fact and conclusions of law of the Professional Practices Commission and suspend the license in 24-PPC-05. Mrs. Hopkins seconded the motion. Motion carried 9-0. (05:05:46) Motion

Scott Gordon explained the second case, 23-PPC-39.

Mrs. Hopkins moved that the Kansas State Board of Education adopt the findings of fact and conclusions of law of the Professional Practices Commission and issue the emergency substitute teaching license applied for in 23-PPC-39. Motion carried 9-0. (05:07:00) Motion

(Note: Item 16, "Act on new appointments for the Professional Practices Commission" has been delayed until June so that more nominations can be gathered.)

Update on KESA Accreditation determination process and protocol

(05:07:57) KESA

Dr. Proctor, Deputy Commissioner, Direct Learning Services and Jay Scott, Director, Accreditation and Design, updated the board on the past month's activities in the world of KESA, school accreditation and improvement. Dr. Proctor shared this defining statement that guides their work:

> "If we strengthen coherence across Kansas through focusing on a few high-leverage professional actions, then our students will develop more knowledge and skills leading to greater opportunities and fewer limitations."

Dr. Proctor and Mr. Scott continued to lead the board through the following discussion items: State Board action from December 2023 forward, roles and responsibilities, timeline, accreditation determination areas, levels of accreditation and examples. There will be three levels of accreditation: accredited, accredited with conditions and not accredited.

Next month the KESA team will bring a receive item to the board to approve the KESA 2.0 model in July.

Payton Lynn, intern from Kansas State University

(06:30:15) Payton Lynn

Dr. Jake Steel introduced an intern who has been working with KSDE for the past semester. Her name is Payton Lynn and she is a KState student who is studying educational policy. She shared some of her experiences at the department. It was a very positive time for her, and she is fully committed to following her career path and will continue to work at the department over the summer.

Action to approve submission of proposed amendment to K.A.R. 91-38-3 (school bus safety) through the formal adoption process (06:40:00) Bus Safety

Scott Gordon reviewed the change, #4, the transportation supervisor shall, whenever practicable, avoid establishing stops that would require students to cross any roadway.

Mr. Porter moved that the Kansas State Board of Education authorize the submission of an amendment to K.A.R. 91-38-3 through the formal regulatory adoption process. Dr. Horst seconded the motion. Motion carried 8-0. Motion (06:31:30)

Legislative Matters and Receive Special Ed funding distribution formula (06:43:13) Harwood

Dr. Harwood went through all the legislation that affects the state board. Most of the bills did not complete the process of becoming law. 605 bills were introduced, KSDE followed 100 bills that were related to education. Four bills, and one bundle of 8 bills, navigated the entire process and were sent to the Governor.

Dr. Harwood introduced the receive item, a distribution funding model which was presented to the Senate Education committee. It lays out a possible process for additional appropriation. The steps would be:

1. Start with total SPED expenditures,
2. Subtract revenue received by the district such as SPED state aid, federal SPED aid, and Medicaid reimbursement,
3. The remainder would be considered "Local Contribution" in which districts receive a portion of the new appropriation based on its proportion of local effort.

Consideration of and further discussion on this model will take place at the June board meeting.

Chair Haas reminded the board that tomorrow they will be meeting at the Brown vs. the Board of Education National Park. It is an open public meeting but not live streamed. There will be a KSDE YouTube recording that will be uploaded as soon as possible.

Recess (07:34:00)

The Chair recessed until 9:00 Wednesday, May 15th, 2024.

_____ Melanie Haas, Chair

_____ Deborah Bremer, Secretary

Kansas State Board of Education
Wednesday, May 15, 2024

Call to Order

(00:00:05)

Chair Melanie Haas reconvened the Wednesday meeting of the Kansas State Board of Education to order at 9:00 a.m. May 14, 2024, in the gymnasium of the historic Monroe school, now being used as the Brown vs. the Board of Education National Park at 1515 SE Monroe Street, Topeka, KS, 66612. The purpose of meeting at the school is to celebrate and consider the historic supreme court decision made 70 years ago on May 17, 1954.

Roll Call

The following board members were present:

Mrs. Betty Arnold	Mrs. Michelle Dombrosky
Mrs. Melanie Haas, Chair	Mr. Dennis Hershberger
Mrs. Cathy Hopkins	Dr. Deena Horst
Mrs. Ann Mah	Mr. Jim McNiece (on the phone)
Mr. Jim Porter, Vice Chair	Mr. Danny Zeck

The Board Attorney Mark Ferguson could not be present at this meeting. KSDE General Counsel R. Scott Gordon took his place at the board table.

Receive staff response and ACT on Minimum High School Graduation Requirements regulation amendments

(00:00:50)
HS Grad

Scott Gordon was present to answer any questions. There was a discussion about FAFSA and what the process was for adding that to the requirements. The Chair and Vice Chair agreed that if the board approves the graduation requirements which have been years in the making, the FAFSA section of the requirements will be reviewed in June, and changes could be made. There was general agreement that this was the best approach to honor all the work that has gone into the new minimum requirements and still continue to make the best decisions as a board for the students and families of Kansas.

Motion
(00:11:31)

Mrs. Arnold moved that the Kansas State Board of Education adopt the proposed amendments to its minimum high school graduation requirements regulation K.A.R. 91-31-35. Mr. Porter seconded the motion. Roll Call vote:
Arnold: Yes
Dombrosky: No
Haas: Yes
Hershberger: Yes
Hopkins: Yes
Horst: Yes
Mah: Yes
McNiece: Yes
Porter: Yes
Zeck: No

The motion carried 8-2 with Mrs. Dombrosky and Mr. Zeck voting no.

(00:13:18) Grad List

Act on post-secondary asset graduation requirements list with additions
Dr. Ben Proctor reviewed the post-secondary list with the board.

Motion (00:15:16)

Mr. Porter moved that the Kansas State Board of Education approve the post-secondary asset graduation requirements list as recommended. Dr. Horst seconded the motion. Motion carried 8-2, Mrs. Dombrosky and Mr. Zeck voted no.

(16:00) Consent

Consent Agenda (with d,e,f,l,j, and l removed)
Dr. Horst moved that the Kansas State Board of Education approve the items on the consent agenda. Mrs. Arnold seconded the motion. Motion carried 10-0.

Consent Item d
Mrs. Mah moved that the Kansas State Board of Education approve consent item d (Act on Kansas Parents as Teachers Grants for 2024-2025). Mrs. Arnold seconded the motion. Motion carried 8-2 with Mrs. Dombrosky and Mr. Zeck voting no.

Consent Item e
Mrs. Mah moved that the Kansas State Board of Education approve consent item e (Act on recommendations for funding Kansas Preschool-aged At-Risk programs for 2024-2025). Mrs. Arnold seconded the motion. Motion carried 7-3 with Mrs. Dombrosky, Mr. Hershberger and Mr. Zeck voting no.

Consent Item f
Mrs. Mah moved that the Kansas State Board of Education approve consent item f (Act on KU assessment contract extension). Mrs. Arnold seconded. Motion carried 10-0.

Consent Item i
Mrs. Mah moved that the Kansas State Board of Education approve consent item l (Act on request to contract with the Northeast Kansas Education Service Center Keystone Learning Services to support Perkins V Annual Civil Rights reviews). Mrs. Arnold seconded the motion. Motion carried 8-2 with Mrs. Dombrosky and Mr. Zeck voting no.

Consent Item j
Mr. Porter moved that the Kansas State Board of Education approve consent item j (Act on request to contract with the Gruman Group to support the administration of Perkins V). Mr. McNiece seconded the motion. Motion carried 8-2 with Mrs. Dombrosky and Mr. Zeck voting no.

Consent Item l
Mrs. Mah moved that the Kansas State Board of Education approve consent item l (Act on recommendations for funding the 2024-2025 AmeriCorps Kansas Grant Awards) Mrs. Arnold seconded the motion. Motion carried 8-1-1 with Mrs. Dombrosky voting no and Mr. Zeck abstaining.

Chair Report
(Note: Mr. McNiece left the meeting via phone at this point.)

Chair Haas appointed Dr. Laurie Curtis, KSDE Early Literacy/Dyslexia Program Manager, to the Literacy Advisory Committee, which was established by the Kansas State Legislature SB 438 in April of 2024.

There was a petition for oral argument from Attorney Josh Nye who represents USD 115 in a land transfer issue. There was a conversation among the board about how to respond to this request. The usual procedure is to have the hearing officer conduct the hearing where the two parties present their arguments. The board is going to have a special meeting to discuss how the June board meeting will handle this request. The special meeting will not be about the actual case but simply about whether they would allow the legal representatives for USD 115 and USD 113 to present oral arguments during the official Kansas State Board of Education June meeting. There will only be this one item on the agenda. The meeting will be Friday, May 24th at 10 a.m. on Zoom and available to be watched publicly through the KSDE YouTube channel.

Board Travel Requests: After adding a few new requests, Mr. Porter moved that the Kansas State Board of Education approve the travel requests of the board members as presented for the coming month. Mrs. Dombrosky seconded the motion. Motion carried 9-0.

Future requests: Mrs. Dombrosky and Mrs. Arnold both requested another presentation/discussion with Trish Backman about mental health in schools.
There was an all-board request to make sure a review of FAFSA is included in the June meeting. Mr. Hershberger requested an item about screen time in schools.

Chair Haas adjourned the meeting, and the board took a break prior to the program.

Program to honor the 70th Anniversary of the Brown v. Board of Education decision

(00:51:52) Program

The following is the order of events that took place in the honoring of the decision.

Celebrating the Past/Shaping the Future

1. Welcome from Mrs. Melanie Haas, Chair of the Kansas State Board of Education
2. Opening Music, *The Star Spangled Banner,* sung by the Lansing High School Legacy Singers directed by Mr. Brian White
3. Reading from Dr. Martin Luther King's 1964 speech, read by State Board member Mrs. Betty Arnold (also former chair of Wichita Public School Board)
4. Opening Reading from an interview with Miss Linda Brown in 1985, read by Miss Simone Holloway, 7th grade student from Jardine Jr. High School with Dr. Beryl New, USD 501
5. Sketching History a brief overview of Topeka's unique place in the process of desegregating American schools from National Park Ranger Lawson Nwakudo
6. Celebrating the Past: Memories shared by Mrs. Carolyn Wims-Campbell, former member of the Kansas State Board
7. The heart of Justice Warren's 1954 Opinion given for the Supreme Court on Brown v. Brown, read by Miss Cora Jackson Wells, student at Topeka West with Dr. New introducing Cora
8. Musical Response: "I Believe" by Mark Miller (Lansing Choir)

9. Shaping the Future: Visioning shared by Mr. Keith Tatum, President, Topeka Board of Education
10. Musical Response "Measure Me, Sky" by Elain Hagenberg (Lansing Choir)
11. Closing Thoughts given by Dr. Randy Watson, Kansas Commissioner of Education

(Our thanks to the National Park Service, especially Superintendent Jim Wilson, all the Park Rangers, particularly Lawson Nwakudo, Kansas Department of Education History Advisor Nathan McAlister, and all who volunteered to participate.)

_____ _____

Melanie Haas, Chair Deborah Bremer, Secretary

Draft Minutes until approved by the board

MINUTES

Kansas State Board of Education
Special Meeting (on Zoom)
Friday, May 24, 2024

Call to Order

(00:04:13)

Chair Melanie Haas called the meeting to order at 10:00 a.m. Friday, May 24, on Zoom.

Roll Call

The following board members were present:

Mrs. Betty Arnold
Mrs. Melanie Haas, Chair
Mr. Dennis Hershberger
Mrs. Cathy Hopkins
Dr. Deena Horst
Mrs. Ann Mah
Mr. Jim Porter, Vice Chair
Mr. Danny Zeck

Mr. Jim McNiece and Mrs. Michelle Dombrosky were absent.

Chair Haas explained the context of today's special meeting. There is only one item on the agenda which is for the board to consider the request of USD 113 and USD 115 to present oral arguments at the June board meeting. During the Citizen's Open Forum on May 14th, the board was served with a motion for oral argument by USD 115 Nemaha Central, in the matter of the petition to transfer territory from USD 113 (Prairie Hills) to USD 115 (Nemaha Central). The Special Meeting of the board was called for the sole purpose of considering the request of the board to allow oral argument of the parties after the hearing officer issues the report and recommendation and prior to the board taking action on the petition for land transfer.

By way of background, the following publication of notice pursuant to statute, there was a public hearing held in Bern, which lasted 4 hours, which the board will receive, as well as the hearing officer's recommendation. The petition asks that in addition to this information, the legal counsel for USD 115 should be given a chance to present oral argument in front of the State Board at the June 2024 meeting. Chair Haas noted that the tape of the hearing, the recommendation of the hearing officer, and all the data will be available to the board on or about May 30th. At the June meeting the

board will decide the land transfer case. The Chair compared the process to the monthly Professional Practices Commission (PPC) which hears cases and then brings them to the board with a recommendation. In addition, the board will hear from the Board Attorney Mark Ferguson.

Mark Ferguson gave an overview of the situation. There is a great deal of data which will be available to the board prior to a decision: the tape from the hearing, the recommendation of the hearing officer, Scott Gordon, the many pages of data, the letters, and other documents that the board will be able to review and consider. It will also be made public at that time, on or about May 30th. This is the normal board process for these types of situations. Today the only issue is whether to allow the oral arguments of the legal representatives to be heard at the June board meeting.

Chair Haas asked Attorney Ferguson what the responsibility of the board is in terms of state statute. Mr. Ferguson shared the actual Kansas statute 72-532 starting with sub part c. In part c, he noted the steps for publication of the public hearing and the hearing itself were followed. Sub part d has 11 non-exhaustive list of which factors that the board shall consider prior to issuing an order. Sub part e notes that within 90 days after the hearing the board shall issue its order, either approving or disapproving such transfer petition or approving the same with such amendments as it deems appropriate. The board is the ultimate decider of land transfers. The statute allows the board to appoint a hearing officer, which happened in this case. This doesn't replace the board's ultimate authority, but it is a process that bring the information to the board.

Commissioner Watson thanked Mr. Ferguson for the excellent overview. He explained that on Tuesday of the June meeting the board will hear from the hearing officer and the board attorney and then the vote will take place on Wednesday. There will be time to reflect on these issues. If the board decides to hear oral arguments, those would take place on Tuesday as well.

Mrs. Mah asked Mr. Ferguson for his opinion of the legal arguments in the petitioner's motion for oral argument.

Mr. Ferguson noted that the motion for oral argument asks for an opportunity to present oral argument after the hearing officer's recommendation is made public and before the board is scheduled to vote. So, he noted, it could be held at a special meeting, and not necessarily required during the regular board meeting schedule. In terms of the petition, he responded that the fundamental legal steps were correct and providing a time for oral argument was within the law. There is nothing in the statute that would require the board to allow oral argument; nor is there anything in the law to preclude adding oral argument. In terms of due process, adequate and sufficient due process has been provided to the parties and the statutes and board

policy have been complied with. This additional step of oral argument is simply another piece of information, not a requirement in statute, but within the scope of gathering data to assist the board in deliberations.

Mrs. Hopkins asked whether "closing argument" is a more precise way of understanding what this request is? Mr. Ferguson responded that in a trial setting, an "opening statement" is a prediction of what you are going to hear, a "closing argument" is a persuasive summation of all the information heard. In this situation the petitioner is asking to provide a "closing argument."

Mr. Zeck, noting this is within the district he represents, and he knows these two school districts well and understands their history. He would like to see them come before the board and have a chance to present their arguments. He wants to offer the districts the chance to come before the board and be heard.

Dr. Horst shared this was her district prior to the state redistricting process. She understands the dynamics and she is leaning towards giving them an opportunity to express their arguments to the board. She referred to the PPC process, which is similar, and she feels this is one last time for the districts to state their case. She feels it is appropriate to allow the districts, just like the people who come before the PPC, to appear.

Mr. Hershberger stated that in reading the petitions for oral argument, three points arose: distance/transportation, representation on a local board, and taxation. If the boundaries changing affect those three things, then he feels it is important to allow the legal representatives for each district to be heard. This is the American way, he noted. He sees this as part of a democratic process.

Mrs. Mah has no strong feelings one way or the other. She supports the hearing officer and knows he does quality work. However, whatever the board decides in June is going to make some people unhappy and she suspects there will be an appeal. She asked Mr. Ferguson what an appeal would look like.

Mr. Ferguson answered that his primary concern is to make sure there is adequate due process provided to the parties. His legal position is that there has been no lack of due process even if there is no opportunity given for oral argument in June. All the other steps have been complied with: notice and opportunity to be heard. The decision of the board (either way) would withstand a legal challenge to that specific request for oral argument. The procedure of appeal would be an appeal to the district court to reconsider the decision of the board.

Mrs. Mah wonders if having a time for oral argument might add to the "we did everything we could" when it came to an appeal. Mr. Ferguson feels that the board is

doing a great deal, scheduling a special meeting, following all the steps in statute, and he feels that even if the board decides against hearing oral arguments, there has been a great deal of effort put into the land transfer petition. He doesn't feel saying no to oral arguments will jeopardize the board in an appeal process.

Mrs. Arnold added that the board members are elected. Regardless of how the vote goes today, constituents want to be heard. She feels this request is primarily constituents wanting to have a voice. As an elected person she has always welcomed listening. She offered to make a motion that the board accept oral argument.

Chair Haas asked Mr. Ferguson about having a separate meeting after the public release of the hearing officer. Mr. Ferguson responded that the oral argument does not have to be during the June meeting. Based upon the specific request of the parties, it needs to be after the hearing officer recommendation and prior to the vote of the board.

Mr. Porter feels he could argue either side of this debate. One side is that there is a precedent and procedure that has been followed by the board historically. The second is that the board has been asked to hear additional information. He always wants to err on the side of transparency. He sees no downside in listening to the oral arguments. There may be unintended consequences to everything they do. He is concerned about the time allocated for the open forum, if 100 people show up, and there may be a need to limit the time. He would second Mrs. Arnold's motion.

Chair Haas asked about how, if the request is granted, it would be handled by the board. Commissioner Watson answered that the request would offer 30 minutes to both sides during the June meeting because that is when the members would all be available. Mrs. Hopkins asked whether the vote has to be on June 12th? The Commissioner answered that this affects the coming school year and it would be needed by the end of June so the schools could prepare. Mr. Ferguson noted that it is 90 days from the public hearing, he is not sure of the actual date of the public hearing. There was a discussion about the details of when to work this into the agenda if the board votes yes.

Motion (00:47:05)

Mrs. Arnold moved that the Kansas State Board of Education allow oral arguments from the legal representatives of USD 113 and USD 115, for 30 minutes each, at the June meeting. Mr. Porter seconded the motion. The motion carried 8-0.

Chair Haas adjourned the meeting at 10:51 a.m.

Melanie Haas, Chair

Deborah Bremer, Board Secretary

Agenda Number: **7 a.**

Meeting Date: **6/11/2024**

KANSAS STATE DEPARTMENT OF EDUCATION

900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
(785) 296-3201
www.ksde.org

Item Title: Legislative Matters: Frank Harwood, Deputy Commissioner (IO)

From: Sherry Root

Frank Harwood will review the final version of House Sub for SB387 signed by the governor, including line item vetoes.

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 b.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/11/2024**
Sherry Root		Randy Watson		

Item Title:

Act on Special Education Distribution Formula

Recommended Motion:

It is moved that the Kansas State Board of Education adopt the local contribution model as presented for the equitable distribution of special education services aid to districts in 2024-2025, pursuant to House Sub for SB 387.

Explanation of Situation Requiring Action:

SB 387 directs the State Board of Education to "establish a special education services aid equalization distribution schedule."

- Prioritize equalizing special education services aid distributions to districts.

- Consider the discrepancies between districts' excess costs (as defined in the bill).

- For 2024-2025, the amount to be distributed with the established schedule is the difference between $601,018,818 and $528,018,516 ($73,000,302).

Agenda Number: **7 c.**

Meeting Date: **6/11/2024**

KANSAS STATE DEPARTMENT OF EDUCATION

900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
(785) 296-3201
www.ksde.org

Item Title: Agency Budget Requests for FY2026 - Frank Harwood, Deputy Commissioner (RI)

From: Sherry Root

Receive agency budget recommendations for FY2026.

Agenda Number:

Meeting Date: 1/1/0001

KANSAS STATE DEPARTMENT OF EDUCATION

900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
(785) 296-3201
www.ksde.org

Item Title: Receive report and recommendations of the Kansas State Board of Education's designated Hearing Officer regarding 24-PTT-01, petition to transfer territory

From: Scott Gordon

On February 15, 2024, USD 115 filed a Petition to Transfer Territory from USD 113. The Kansas State Board of Education's designated Hearing Officer R. Scott Gordon will summarize his report and make recommendations regarding said Petition.

Following the Hearing Officer's presentation, USD 115 and USD 113 will have 30 minutes each to present arguments. The State Board is expected to vote on the pending Petition during its Wednesday meeting.

Video from the March 22nd public hearing may be viewed online at mediastream.ksde.org/Media/PPC/3-22-24hearing.mp4.

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of the Petition to Transfer Territory from USD 113 To USD 115	)))	File 24-PTT-01

REPORT OF HEARING OFFICER

On February 15, 2024, a formal petition ("Petition") was filed by the school board of USD 115 requesting the Kansas State Board of Education ("State Board") to transfer between 77.4 and 80.88 square miles of territory from USD 113 to USD 115[i].

As required by law, a public hearing was held on March 22th, 2024, at 3:00 p.m., at the Bern Community Center, 416 N. Main St., Bern, Kansas. Notice of the public hearing was published in the Sebetha-Herald, the newspaper of general circulation in USD 113, on March 6th and 13th. Notice was also published in the Kansas Register March 7th, and 14th and the Courier Tribune on March 13th.

RECORDS ON FILE

The records listed below are attached and made part of the record.

1. Requests for Appointment of Mediator filed by USDs 115, 335, and 380 for purpose of mediating pending petitions for the transfer of territory.

2. Appointment of Larry Rute of Associations in Dispute Resolution, LLC, to conduct mediation as required by K.S.A. 72-530.

3. Request for Approval of Agreed Transfer of Territory from USD 113 to USD 380, as approved by the State Board on May 14th and 15th, 2024.

4. Request for Approval of Agreed Transfer of Territory from USD 113 to USD 335, as approved by the State Board on May 14th and 15th, 2024.

5. Petition by Board of Education of USD 115 for Transfer of Territory, received

[i] The parties appear to not agree as to how much territory is to be transferred. This will be addressed later in the findings.

February 14, 2024[ii].

6. USD 113 Motion to Dismiss USD 115's Petition.

7. USD 115 Response to Motion to Dismiss.

8. Hearing Officer's Order of Denial of Motion to Dismiss.

9. USD 113 Answer to Petition.

10. USD 115 Response to Answer.

11. USD 115 Motion for Oral Argument.

12. Hearing Officer's Order of Denial of Motion for Oral Argument.

13. Emails [174] received by 113landtransfer@ksde.org during published period of public hearing.

14. Letters [12] received by Hearing Officer during published period of public hearing.

15. Presentation of USD 115 given during Public Hearing.

16. Presentation of USD 113 given during Public Hearing.

17. Recording of March 22, 2024 Public Hearing.

FINDINGS OF FACT

After examining the files, hearing the presentations and being otherwise duly advised on the premises, the Hearing Officer finds as follows:

1. USD 115's Board of Education filed the pending Petition for the Transfer of Territory after mediation with USD 113.

2. The town of Bern, Kansas is located within the territory requested to be transferred. USD 113 closed the Bern-Summerfield schools in 2012, and there has not been an attendance center in Bern since that time.

3. USD 113 closed an attendance center in Wetmore, Kansas, in 2023.

[ii] Exhibit F from Petition has been removed from publicly available documents as it contains personally identifiable information about students. Exhibit F remains available for review within KSDE's Office of General Counsel, subject to limits imposed by state and federal privacy laws.

4. A map of the two school districts, indicating the territory proposed to be transferred and the larger cities located in the school districts, is attached hereto and marked as Hearing Officer Exhibit [HOE] 18.

5. Following State Board approval of agreements between USD 113, USD 335, and USD 380, Sabetha remains the primary municipality of USD 113 with three attendance centers (elementary, middle, and high school). Axtell Public School of USD 113 also offers all three grade levels. Seneca remains the primary municipality and location of USD 115 schools.

6. According to the Kansas State Department of Education, USD 115's headcount for 2023-2024 was 756 students[iii]. Of those 756 students, 104 students were non-residents of the district.

7. According to the Kansas State Department of Education USD 113's headcount for 2023-2024 was 921 students. Of those 921 students, 123 students were non-residents of the district.

8. USD 115 provides transportation to out-of-district students without receiving state transportation aid to do so. USD 115 recently chose to no longer offer transportation to those in-district students that live outside of Seneca city limits but less than 2.5 miles from the school.

9. State equalization aid for the supplemental general fund (LOB) is calculated based on each district's three-year average assessed valuation per pupil (AVPP). The threshold for districts to receive LOB equalization aid is the 81.2 percentile. 11% of all Kansas districts, including USD 115, have an AVPP above the 81.2 percentile and do not receive LOB equalization aid. 89% of all Kansas districts, including USD 113 have an AVPP below the 81.2 percentile and do receive LOB equalization aid.

10. Although the difference in time to travel from Bern to Seneca and Bern to Sabetha is less than 20 minutes, the majority of those who spoke during the public hearing favor traveling to Seneca and believe the roadways to be safer.

Background Leading to Petition to Transfer Territory

11. In 1963, Kansas passed the School Unification Act which resulted in previously-consolidated school systems to become unified school districts throughout the state. As a result, the Sabetha schools unified with Wetmore, Goff, Woodlawn, and Morrill to form USD 441. The Seneca schools unified with Kelly and Corning to

[iii] These numbers reflect audited enrollment numbers, and not preliminary numbers or other counts that may have been used by Petitioner or Respondent. To ensure consistency and accuracy, all enrollment and finance numbers relied upon by this Hearing Officer have come from the Kansas State Department of Education's School Finance team. See HOE 20.

form USD 442.

12. In 2010, USD 441 consolidated with USD 448 (Axtell and Bern) to form Prairie Hills USD 113. One primary consideration of USD 448 votes was the disposition of the Bern school. According to information provided by residents of the Bern community, they were led to believe the school could remain open. USD 113 closed the Bern school two years later.

13. Since the 2012 closure of the Bern school, landowners within USD 113 affected by the closure have sought transfer of territory from USD 113 to USD 115. No agreement to effectuate such a transfer of territory has been reached by the two school districts.

14. As a result of USD 113's decision to close the school in Wetmore, some USD 113 students have transferred to neighboring districts 115, 335, and 380.

15. USD engaged in mediation with USDs 115, 335, and 380. Mediation between USD 113 and USD 335 resulted in an agreed-upon transfer of territory that was approved by the State Board in May, 2024. Mediation between USD 113 and USD 380 also resulted in an agreed-upon transfer of other territory that was approved by the State Board in May, 2024. Those agreed-upon transfers go into effect July 1, 2024.

16. Because mediation between USD 113 and USD 115 has failed, USD 115's petition has proceeded through public hearing as required by state law and now awaits the decision of the State Board.

Results If Petition is Granted as Written

17. Approximately 78.5 square miles of USD's territory – taken from two separate tracts of land – will transfer from USD 113 to USD 115. The two tracts of land are labeled in USD 115's Petition as Tract 1 (69.30 sq. miles) and Tract 2 (9.2 sq. miles)[iv].

18. No territory will transfer to USD 113.

19. There is no real property (school buildings of attendance) of USD 113 within the proposed territory to be transferred, so no real property will transfer to USD 115.

[iv] As written, the Petition creates a conflict between the now-approved agreement to transfer territory from USD 113 to USD 380. Because the Petition was written prior to final approval of the agreement, the Petition assumed the territory of Tract 3 would still be within USD 113 and would still be subject to transfer from 113 to 115. Unless the State Board takes action to change the decision it reached by unanimous decision during its May meeting, Tract 3 is no longer subject to transfer because as of July 1 it is no longer a part of USD 113.

20. USD 115 currently provides transportation to non-residential students without receiving state transportation funding. If those non-residential students become residential students of USD 115, the district gains eligibility for state transportation funds. USD 113 would no longer receive state transportation funds for students within the transferred territory that chose to continue to attend USD 113 schools.

21. Current non-residential patrons of USD 115 would become eligible to vote in USD 115 school board elections. Those who become residents of USD 115 would also become eligible to run for positions on the USD 115 school board.

22. Enrollment of both USD 115 and USD 113 is predicted to remain almost the same. Evidence provided by both school districts indicates the students that live in USD 113 that want to attend USD 115 already do so except for 10 students previously deemed to be "not in good standing" by USD 115. If those 10 students are all from the petitioned-for territory and the petition is granted, USD 115 would no longer be able to deny their enrollment. There is no anticipated change in the number of faculty or staff needed by either school district as a result of granting the petition.

23. USD 113 anticipates losing approximately $18,172,666.00 in valuation. As a result, USD 113 anticipates losing approximately $305,109.00 in Supplemental General Funds. These figures do not account for, and are in addition to, the valuation of territory that USD 113 has already agreed to transfer to USDs 335 and 380.

Results if the Petition is Denied as Written

24. If denied, there would be no change of school district boundaries as they pertain to USD 113 and USD 115. The transfers of territory agreed upon by USD 113, 335, and 380 will still occur, because those were by agreement and have already been approved by the State Board.

25. According to testimony provided during the public hearing, there would be no change in enrollment and no change in its acceptance of non-resident students by USDs 113 or 115. Enrollment of both USD 115 and USD 113 is predicted to remain the same.

26. One concern raised during the public hearing and in letters received is whether the state's new open enrollment law would require those non-resident students that have attended USD 115 prior to 2024-2025 would be subject to the same lottery system as those students who would attempt to enroll in USD 115 for the first time. During the 2024 legislative session, the open enrollment law was amended to specifically allow all non-resident students who were enrolled in and attended a school district of non-residence during school year 2023-2024 to continue such enrollment and attendance in such school district until such student graduates from high school unless the student is deemed as no longer being in good

standing. The law is further amended to require school districts to give priority to any sibling of a non-resident student who is enrolled in and attending the school district or who is accepted to enroll in and attend the non-residential district.

27. Current non-residential patrons of USD 115 would remain ineligible to vote in USD 115 school board elections.

Results if the State Board Approves Land Transfer Other Than As Petitioned

28. An important requirement for any transfer of territory, whether it be by agreement or by a unilateral petition such as the one currently before the State Board, is for the requesting school district(s) to provide a legal description of the district boundary modifications. The legal descriptions generally come from a professional surveyor or other appropriately licensed professional with the training and experience necessary to write them. Examples of legal descriptions can be seen in Exhibit A of USD 115's Petition. Legal descriptions are never as simple as looking at a map and drawing lines based on what looks right, and it is almost never as easy as following major roads, waterways, or even county lines. For this reason, the school districts were advised in 2023 that each proposed transfer (113 to 115, 113 to 335, and 113 to 380) should be handled separately and one at a time so that none of the parties would need to guess whether a preceding transfer was approved. Unfortunately, that is not what happened here. Because the Petition assumes the transfers from 113 to 335 and 380 did not occur, the valuations, boundaries, and even square mileage figures are inaccurate – especially as they relate to Tract 3.

29. Counsel for USD 115 submitted "Petitioner's Supplemental Written Testimony" by way of email to the email address provided for public comment. This document was received on the last day that any public comments were received. The document does not indicate whether the same was shared with Counsel for USD 113. Within the written testimony are two new "alternative" land descriptions that would "ultimately be acceptable to USD 115 and the families in the Petitioned Area as a whole". This approach is problematic for two reasons: it is unknown whether USD 113 has even seen these alternatives, and by waiting until after the public hearing to offer these alternatives USD 115 has robbed the public of its opportunity to review and provide comment. For that reason, this Hearing Officer recommends the State Board either approve or disapprove the Petition as it was written.

Preferences of Persons Affected by Transfer

30. The public hearing took place in Bern, Kansas, on March 22nd from 3 p.m. until approximately 7 p.m. Although only 79 people signed the sign-in sheets that were provided near the front entrance, most attendees had already entered the room,

found their seats, and were ready to begin. There was no formal announcement or requirement that anyone sign in. The Bern Community Center was either at capacity or close to it by the time the hearing concluded.

31. Of those who attended, 23 people spoke in favor of the pending Petition, 14 people spoke against it, and 4 people indicated they were testifying as "other".

32. Proponent testimony can be summarized as making four general arguments in favor of transferring territory from USD 113 to 115[v]:

A) Desire to right a past wrong: Many people spoke of promises made in 2010 that if the Bern community voted in favor of consolidation with Prairie Hills, the school board would give them five years to try to keep the Bern school open. They also spoke of a promise by district leadership that if the Bern school is closed, the voters could "take their land with them" / "The land could follow the students" to the district of their choice. This was a consistent message in the written and spoken testimony.

B) Desire to be represented on the school board: Many testified they feel it is wrong that they do not get to vote in the school board elections for the school district to which they choose to enroll their children. There was testimony that because USD 113's school board positions are all at-large, the people of Bern and the rest of the area outside of Sabetha are not really represented by any school board member and feel disenfranchised.

C) Desire for tax revenue to follow the students. Because of the number of students enrolled in USD 115 that do not live in the district, USD 115 has taken measures to increase its funding at the expense of its residents.

D) Community / Safety. Proponents generally stated a preference to conduct their business and to have their children travel to and from Seneca rather than to Sabetha. They feel closer to the seat of USD 115 and they feel the roads are safer.

33. Opponent testimony can be summarized as making three general arguments to not transferring territory from USD 113 to 115:

A) Distrust/feel this is a reaction to the closing of Wetmore. Without making any judgment as to the veracity of the claims, it is fair to highlight a repeated belief that this Petition has been driven as a revenge tactic/following up on a threat of what would happen if USD 113 closed the Wetmore school.

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[v] There are plenty of additional arguments made by proponents and opponents. For the sake of transparency and to be sure that nothing is left out, members of the State Board are encouraged to read the letters that were mailed to the Hearing Officer. Those letters are made available as part of this packet.

B) Nemaha Central had the opportunity to consolidate with 113 in 2009 but chose not to. Opponents of the proposed transfer feel they should not be allowed to take the territory that Nemaha Central once rejected.

C) Locally elected school boards should be responsible for negotiating district boundaries, not the Kansas State Board of Education.

CONCLUSIONS

34. The transfer of territory from one school district to another is a legislative function that has been delegated to the Kansas State Board of Education pursuant to K.S.A. 72-532. [See State ex rel. v. State Board of Education, 215 Kan. 551 (1974).]

35. K.S.A. 72-532 authorizes the Kansas State Board of Education to issue an order transferring territory upon receipt of a school board's petition to do so following a public hearing. Prior to ruling upon such a petition, the State Board must consider the following:

A) City boundaries and the area within three miles surrounding any city with more than one district in the area;
B) Available capacity of districts involved in the territory transfer to serve existing or additional students;
C) Condition and age of buildings and physical plant;
D) Overall costs including renovation of existing buildings versus construction;
E) Cost of bussing;
F) Food service;
G) Administration and teachers;
H) Areas of interest including access and distances for parents to travel to participate in student activities;
I) Matters of commerce, including regular shopping areas, meeting places, community activities and youth activities;
J) Districts that are landlocked with changing demographics that cause declining enrollment; and
K) Effect on students living in the area.

The law provides that the State Board may consider additional factors that it deems relevant.

36. The State Board has previously announced, by way of a packet of information, specific guidelines which lists the additional factors it will consider when making a land-transfer determination. This packet is generally available to the public and has been provided to both USD 115 and USD 113 prior to the filing of the Petition.

37. The Kansas State Board of Education Land Transfer Guidelines, which are attached as HOE 19, include the following considerations:

A) The long-term effect a transfer would have on students living in: (1) the petitioned area, (2) the receiving district, and (3) the giving district. It also must include whether the transfer would add to the general improvement of the public schools in the state and the equalization of the benefits and burdens of education throughout the effected communities.

B) To justify taking land, by petition, from one school district and giving it to another, a material change in circumstances of a substantial and weighty nature must exist so that a reasonable person would recognize that the educational interests of all affected children (inside and outside of the transfer area) could be better served by adjusting district boundaries, without any serious detrimental effect upon students or upon the district from which the land will be transferred.

The type of change in circumstances that justifies a transfer of land by petition is difficult to describe in the abstract. Examples of a material change in circumstances that may justify a transfer of land include, but are not limited to:

1) a recent school closing which makes it more practical for students to attend school in an adjoining district;

2) the establishment of a new and more distant attendance center; or

3) changes in natural barriers, such as lakes and rivers or construction of highways, which substantially increase the time a student travels to and from school.

C) Examples of changes which do not constitute a material change in circumstances for purposes of transferring land from one district to another include, but are not limited to:

1) A change in a local board of education's transportation policy to prohibit buses from adjoining school districts from entering the district to transport students;

2) a change in school district property taxes; or

3) a land transfer request which is primarily to gain a financial advantage for individuals, such as, assisting in suburban land development.

D) The State Board's consideration of a petition to transfer land is not limited to how persons in the petitioned area will be affected. The State Board also must

consider how persons outside the petitioned area and the school districts (locally and statewide) may be affected.

38. In considering any petition to transfer territory from one school district to another, the State Board must adhere to the legislative guidelines prescribed by law, including those found in K.S.A. 72-532. Transfer of territory between unified school districts by the Kansas State Board of Education in contravention of the guidelines set forth in statute and with no showing of any justification for such contravention exceeds the delegation of authority granted to the State Board and is, as a matter of law, arbitrary, capricious, and unreasonable. State ex rel. Dix. V. Board of Ed. 224 Kan. 38 (1978).

39. The Dix case interpreted K.S.A. 72-6734, which was repealed in 1984. However, the Guidelines published by the State Board still include reference to its determination that land transfers must be consistent with, and not in derogation of, the purposes and provisions of the school unification acts[vi]. The legislature previously declared the purposes of the school unification act to be as follows:

A) foster the general improvement of the public schools in the state;

B) foster the equalization of the benefits and burdens of education throughout the various communities of the state;

C) promote the reorganization of public school districts so as to foster a thorough and uniform system of public schools throughout the state;

D) allow each of the involved school districts to offer and maintain the grades and units of instruction required by K.S.A. 72-8212; and

E) foster a wiser use of public funds expended for the support of the public school system of the state.

Consideration of Statutory Factors

40. The granting or denial of the Petition will not affect the ability of either district to offer and maintain the grades and units of instruction required by K.S.A. 72-3216. Of course, the ability of a district to continue to meet its responsibilities under K.S.A. 72-3216 is clearly tied to its enrollment. If a district's enrollment declines over time, it is doubtful the district could continue to meet these requirements. Here, there is no reason to believe either the approval or denial of the Petition will result in declining enrollment of either district.

[vi] State ex rel. Dix v. Bd. of Ed., 224 Kan. 38, 39, 578 P.2d 692, 694 (1978)

41. The factors in K.S.A. 72-532 concerning city boundaries, renovation versus construction costs, and landlocked districts do not appear to be applicable to this situation. If there was a desire to have school boundaries pass through the middle of Bern, that may become an issue but neither district is offering that solution.

42. Both districts currently have the capacity to serve students in the transfer area. USD 115 has recently taken steps to cover the costs of expanding and upgrading its facilities based on an increase in enrollment – much of which is due to enrollment of nonresident students. USD 113 leadership testified to having the capacity and desire to enroll all of its resident students if they chose to do so.

43. The transportation cost issue is complex. Transportation costs cannot be estimated yet because those costs are based on the number of pupils who, on September 20 of the current school year who are residing within the district and 2.5 miles or more by the usually traveled road from where they attend and for whom transportation is being made available on regular routes by the district divided by the number of square miles of territory in the district. This Hearing Officer can only assume that transportation reimbursement from the state will increase, because USD 113 is not currently transporting their students that attend 115 and 115 will be eligible to receive additional funds for any non-resident students currently being bussed if they live 2.5 miles or more from where they attend school.

44. Both school districts have the capacity to continue to offer food service in their schools whether the petition is granted or denied.

45. There has been no evidence provided and no reason to believe that staffing needs of either school district will change because of the requested transfer of territory.

46. If the petition is granted, those students living in the disputed area that currently attend USD 115 will continue to attend USD 115 but would no longer be considered non-residential or out-of-district. Due to recent changes in open enrollment laws, students living in the disputed area that currently attend USD 113 would have the option to continue attending USD 113 unless the district deems them to not be in good standing. Any students within the disputed area that attend public school in districts other than USDs 113 and 115 would either retain their status as being "out of district" for those districts they attend by choice or they would attend USD 115.

47. It does not appear that granting the petition to transfer territory would add to the general improvement of the public schools and the equalization of the benefits and burdens of education throughout the various communities of the state or promote a wiser use of public funds for the support of the public school system in the state.

Petitioner argues in its Response to USD 113's Answer [HOE 10] that USD 115's enrollment of 75% of the students that reside within the petitioned territory creates an inequity that should be resolved by the State Board. Petitioner also argues that because USD 113 has more territory than neighboring districts, it should give up the parts of that territory that resident students have functionally migrated from at the expense of the receiving districts. Petitioner's arguments are unpersuasive.

When it first passed school equalization acts in 1963, the legislature intended to "create a manner to equalize the benefits and burdens of education communities throughout the various communities in the state. The basis for the School District Equalization Act legislation was to provide an adequate level of funding for school districts, to determine local capacity to pay for educational services, and to recognize the impact of resources on educational opportunity through the principle of state aid in inverse proportion to ability to pay." Neymotin, F. *The Relationship Between School Funding and Student Achievement in Kansas Public Schools*. Journal of Education Finance, Vol. 36, No. 1 (Summer 2010). The inequities for which the legislature adopted certain funding policies came from school districts' inability to pay for the same educational opportunities that neighboring districts could afford. The resulting equalization funds make up for funding gaps that are beyond the receiving district's control. Here, USD 115 has chosen to allow out of district students to enroll in its schools for which it receives base state aid per pupil. Any funding burdens faced by USD 115 stems from enrollment policies adopted by its school board.

USD 113 accurately points out that because its assessed valuation per pupil is below the 81.2% percentile, it already receives supplemental state aid from the state to make up for its inability to pay for the same educational opportunities as neighboring districts can afford. If the petition is granted and territory is transferred by the State Board, the State Board would exacerbate those financial inequities rather than foster its equalization. That is not to say the proposed land transfer would cause a detrimental exacerbation of an inequality. In the grand scheme of school funding, the amount of any increase in state aid to either district would be minor compared to each district's budget and to the state's education budget as a whole.

48. Petitioner argues that closing of Wetmore's school is a material change in circumstance that warrants action by the State Board. Indeed, the guidelines specify that a recent school closing which makes it more practical for students to attend school in an adjoining district so constitutes a material change. Neither the State Board's guidelines nor state statute define what "recent" means, nor does the guidance specify how to calculate – for these purposes -- the amount of territory that a school closure affects. This Hearing Officer reviewed past decisions by the

State Board and is unable to find a specific finding. Here, no such finding is necessary because the material change in circumstances caused by the Wetmore closure has already been resolved by the agreed-upon transfers of territory from USD 113 to USD 335 and from USD 113 to USD 380. There is no reason to believe that further action by the State Board is needed to resolve the circumstance that has already been resolved by the agreed-upon transfers of territory.

SUMMATION AND RECOMMENDATION

This Hearing Officer has heard from dozens if not 100s of USD 115 patrons that have tried for over a decade to become official residents of USD 115. They live on land that has been family-owned for generations. They attended school in Nemaha Central and they intend for their children to do the same. They have been told that state law does not provide a means for individuals to have their land reassigned to a different school district - that only school boards can make that happen. They have opinions about how the schools their children attend should be run, and they want to be heard. They are tired of their property taxes being used by what many consider to be a different community than that to which they belong.

The role of the Hearing Officer in these cases is to gather information sufficient to make an informed recommendation to the State Board on whether it is appropriate for the State Board to take action. That recommendation should be based on the policies and practices of the State Board, state law, or other such published guidelines.

It is the recommendation of the undersigned Hearing Officer that the Kansas State Board of Education deny the petition filed by the Board of Education of USD 115 requesting the State Board to transfer territory to it from USD 113.

Respectfully submitted,

By _____
R. Scott Gordon
Designated Hearing Officer

KRIEGSHAUSER NEY LAW GROUP

Joshua A. Ney
josh@knlawgroup.com
Phone: (913) 303-0639

October 6, 2023

VIA EMAIL
Kansas State Board of Education
c/o R. Scott Gordon, General Counsel
sgordon@ksde.org

RE: Request for land transfer mediation pursuant to K.S.A. 72-530 on behalf of USD 115

Dear Kansas State Board of Education:

On behalf of USD 115, I formally request the appointment of a mediator pursuant to K.S.A. 72-530 for the purpose of considering land transfer between USD 113 and USD 115. As you know from previous correspondence, this request is made in cooperation and consent of two other districts submitting similar requests, and it is my client's position that these requests should be considered with reference to one another. However, based on your request, USD 115 is submitting this separate request for mediation to conform with your request.

I attach the documentation in current draft form as requested in your September 12, 2023 email. Obviously, this information is subject to change as a result of mediation and as more information is provided from USD 113 and other districts. Because K.S.A 72-530 does not expressly require specific documentation at this stage, however, we hope that the compiled information can allow the process to expeditiously move forward toward mediation and (if necessary) hearing to ensure this process is completed in time for potential land transfer effective prior to the school year commencing July 1, 2024.

Thank you for your assistance.

Sincerely,

/s/ Joshua A. Ney
Joshua A. Ney, Partner

CC: Chad Tenpenny, Legal Counsel for USD 113

PETITION BY BOARD OF EDUCATION OF UNIFIED SCHOOL DISTRICT NO. 115 FOR TRANSFER OF TERRITORY

This Petition is made by the Board of Education of Unified School District No. 115, Nemaha County, State of Kansas, to the Kansas State Board of Education on this _____ day of _____, 20 23. As the basis for this Petition, the petitioning board states:

1. This Petition is made under authority of K.S.A. 72-532.

2. Mediation was attempted under K.S.A. 72-530, but failed.

3. The State Board of Education is requested to transfer the territory described below or in attached Exhibit A from Unified School District No. 113, Nemaha County, State of Kansas, to Unified School District No. 115, Nemaha County, State of Kansas:

4. The petitioning board is of the opinion that the transfer of territory requested in this Petition, if granted, would be consistent with the factors listed in subsection (d) of K.S.A. 72-532.

5. No petition for the transfer of substantially the same territory as described above has been submitted to the State Board within two years of the date of this Petition.

6. The petitioning board of education has authorized its president to sign this petition on its behalf.

_____
President of Board of Education
Unified School District No. 115,
Nemaha County
State of Kansas

ATTEST:

Carol Kuckelman
Clerk of the Board of Education of
Unified School District No. 115,
Nemaha County
State of Kansas

NOTE: This Petition should be prepared with an original and two copies. The original should be sent to the Office of General Counsel, State Department of Education, Landon State Office Building, 900 SW Jackson Street, Suite 102, Topeka, Kansas 66612; one copy should be retained in the file of the petitioning district; and one copy should be sent to the board of education of the other school district involved in the requested transfer.

COMPARISON OF DISTRICTS (BEFORE TRANSFER)

		USD No. 115	USD No. 113
Area (Sq. Miles):		222	543
Enrollment:		636*	TBC by USD 113
Assessed Valuation:		$102,867,878	$148,651,979
Tax Levy:		58.302	48.261
Teachers (FTE):		62.00	TBC by USD 113
Enrollment by Grade:	K	52	TBC by USD 113
	1	56	TBC by USD 113
	2	45	TBC by USD 113
	3	46	TBC by USD 113
	4	43	TBC by USD 113
	5	44	TBC by USD 113
	6	41	TBC by USD 113
	7	32	TBC by USD 113
	8	52	TBC by USD 113
	9	68	TBC by USD 113
	10	56	TBC by USD 113
	11	49	TBC by USD 113
	12	52	TBC by USD 113

**USD 115 serves 95 students that live in USD 113 territory. The majority of these students transferred to USD 115 due to either the Bern or Wetmore school closures. Refer to USD 115's "Out of District Student Report" for details.*

COMPARISON OF DISTRICTS
(AFTER TRANSFER)
ESTIMATE

		USD No. 115	USD No. 113
Area (Sq. Miles):		299.71	465.29
Enrollment:		636*	TBC by USD 113
Assessed Valuation:		$117,203,855	$134,316,002
Tax Levy:		58.302	48.261
Teachers (FTE):		62.00	TBC by USD 113
Enrollment by Grade:	K	52	TBC by USD 113
	1	56	TBC by USD 113
	2	45	TBC by USD 113
	3	46	TBC by USD 113
	4	43	TBC by USD 113
	5	44	TBC by USD 113
	6	41	TBC by USD 113
	7	32	TBC by USD 113
	8	52	TBC by USD 113
	9	68	TBC by USD 113
	10	56	TBC by USD 113
	11	49	TBC by USD 113
	12	52	TBC by USD 113

**USD 115 serves 95 students that live in USD 113 territory. The majority of these students transferred to USD 115 due to either the Bern or Wetmore school closures. Refer to USD 115's "Out of District Student Report" for details.*

GENERAL INFORMATION

WHERE APPROPRIATE, CIRCLE "YES" OR "NO"

Yes No A. In case a transfer is ordered, will changes occur that both sides agree would be educationally beneficial? If yes, list.

Yes No B. In case a transfer is ordered, will changes occur that both sides agree would be educationally detrimental? If yes, list.

CRITERIA

WHERE APPROPRIATE, CIRCLE "YES" OR "NO"

Yes No 1. Has the state board denied a petition for substantially the same territory within the past two years?

Yes No 2. Is the petitioned territory contiguous with the boundary line of the "receiving" district?

Yes No 3. Are a majority of the residents in the petitioned area tenants?

Yes No 4. Is this a housing development area or part of an industrial district? If yes, explain.

Yes No 5. Are there any other unusual characteristics of the petitioned area? If yes, explain.
Yes, Region impacted by 3 school closures in past 12 years

Yes No 6. Do a majority of the resident families that have school-age children desire to transfer?
Resident and landowner survey in progress (commissioned by 3rd party research firm, WPA Intelligence)

Yes No 7. Do a majority of the resident families that do not have school-age children desire to transfer?
Resident and landowner survey in progress (commissioned by 3rd party research firm, WPA Intelligence)

Yes No 8. Do a majority of the nonresident landowners support the transfer?
Resident and landowner survey in progress (commissioned by 3rd party research firm, WPA Intelligence)

Yes No 9. If this a request for a transfer of land on which there are no resident families?

Yes No 10. Does the "receiving" district have a policy of not accepting out-of-district pupils?
Receiving district is operating at capacity and had to decline enrollment to 10 out of district students in 2022-2023 school year

Yes No 11. If the "receiving" district accepts out-of-district pupils, does it charge tuition? If so, how much? _____
Who pays it? _____

Yes No 12. Will the "receiving" district board permit its buses to enter other districts to pick up children at their homes if permission is granted?

Yes No 13. Does the "giving" district board permit buses of the "receiving" district to enter the petitioned area to pick up children?

Yes No 14. Will the "receiving" district permit buses of the "giving" district or other districts to enter its boundaries to pick up children?

Yes No 15. Are all or any of the pupils residing in the petitioned area attending school in the district of their choice? If yes, explain.

Yes No 16. Do any pupils who reside in the petitioned area and attend school in the "receiving" district live more than a mile from a "receiving" district bus pickup point or the attendance facility of each district? If yes, explain.
Majority of students live more than one mile from attendance facilities in both districts.

Yes No 17. If the children of the petitioned area attend school in the "giving" district, are they required to walk more than a mile to board a district bus?

Yes No 18. Do physical conditions such as topography, roads, bridges, waterways, etc., make it more practical for the "receiving" district to serve the children in the petitioned area?
Yes, petitioned area is physically closer to receiving district

Yes No 19. Will an undue hardship be placed on pupils residing in the petitioned area if the transfer is **not** approved? If so, explain.

Yes No 20. Would the transfer of the petitioned area and loss of

enrollment or valuation impose a substantial financial hardship on the "giving" district?

Yes No 21. Would the proposed transfer impair the ability of the "giving" district to offer and teach thirty units of credit?

Yes No 22. Are the schools of both districts accredited? If not, explain.

Yes No 23. Would a transfer of the petitioned area separate more than ¼ of the territory and taxable tangible valuation of the "giving" school district as it was constituted at time of unification?

Yes No 24. Are there reasons for requesting the transfer other than the educational needs of the children, such as an anticipated bond election in the "giving" district or a considerable higher tax levy in the "giving" district?

Yes No 25. Would a transfer substantially lessen the distance most pupils living in the petitioned area have to travel to school?
Yes, primary reason for attending USD 115 from petitioned area is proximity to school

Yes No 26. Are the pupils proposed to be transferred former students of a school closed by the "giving" district?

27. What is the assessed valuation of the petitioned area?

$14,335,977.00

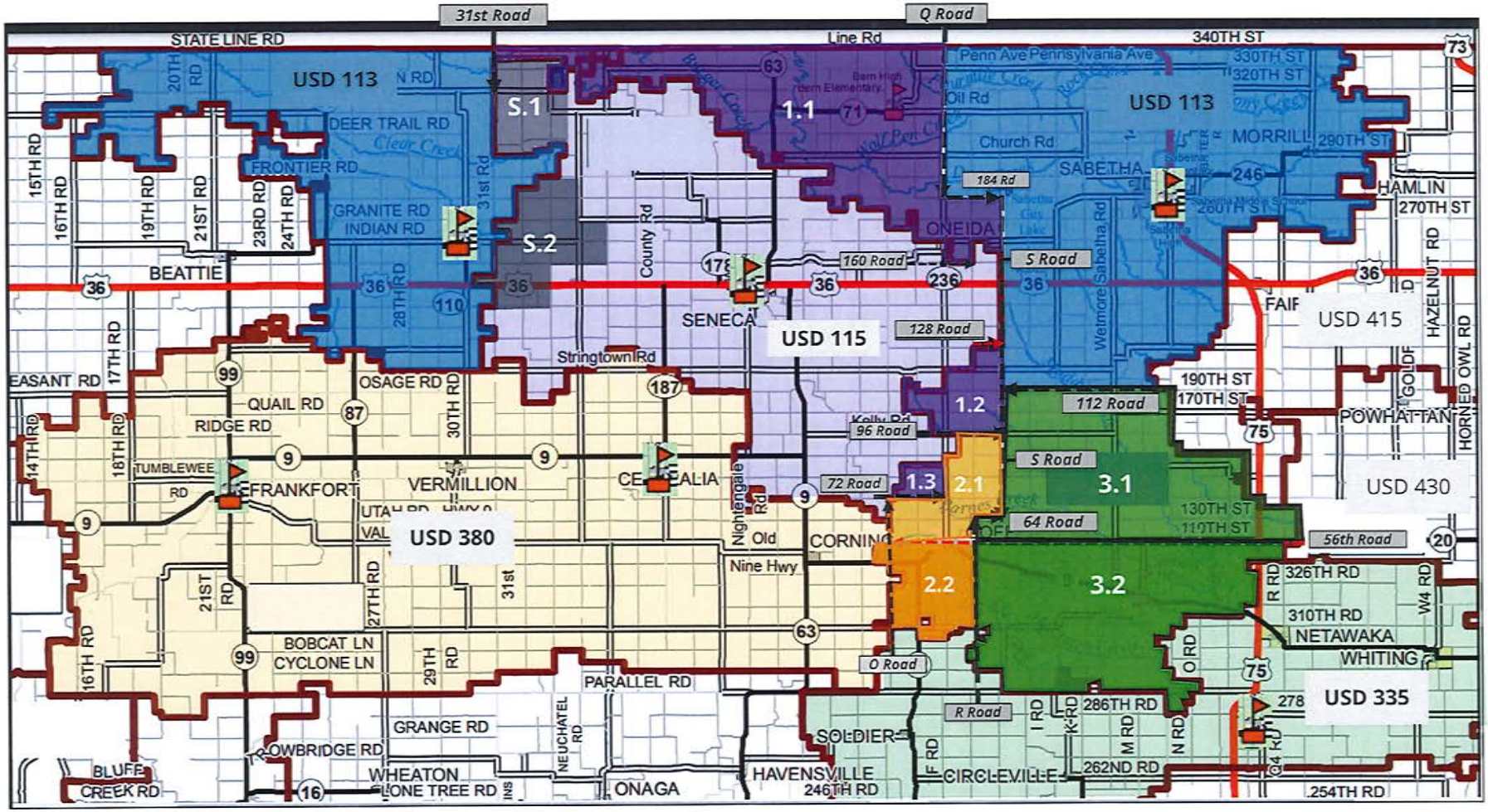
Briefly describe how each of the factors listed in subsection (d) of K.S.A. 72-532 impacts the request for transfer of territory.

The students in the petitioned area live closer to USD 115 than USD 113, and the majority of families, resident tenants, and landowners from this region prefer to transfer to USD 115.

USD 115 has been serving the petitioned area since the Bern school closed in 2011. USD 115 has not received any transportation funding or land valuation funding for these students during this 12-year period.

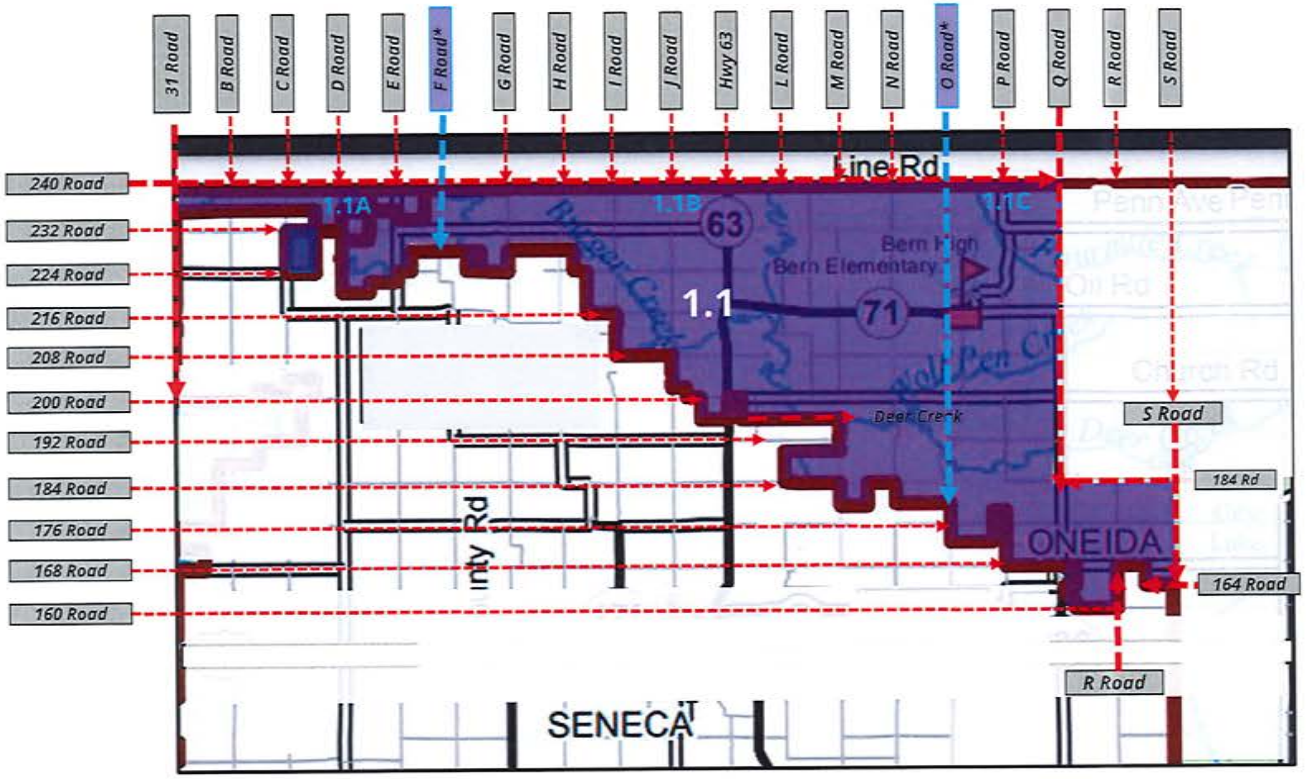
Patrons from the petitioned area work, worship, shop, bank, and do business in the USD 115 district due to proximity and other daily living patterns and other social, cultural, and economic norms.

USD 113 Land Transfer Discussion – September 2023

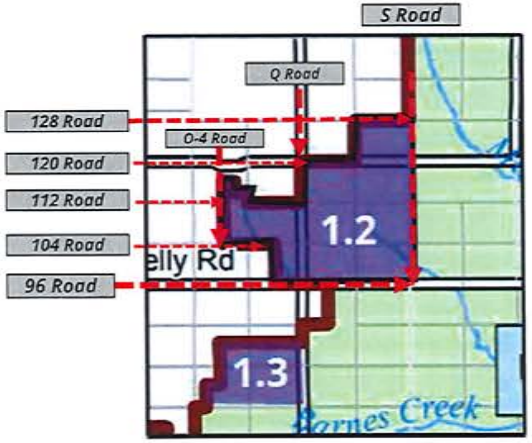


Proposed transfer from USD 113 to USD 115

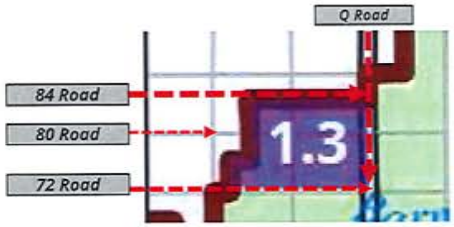
SECTION 1.1



SECTION 1.2



SECTION 1.3

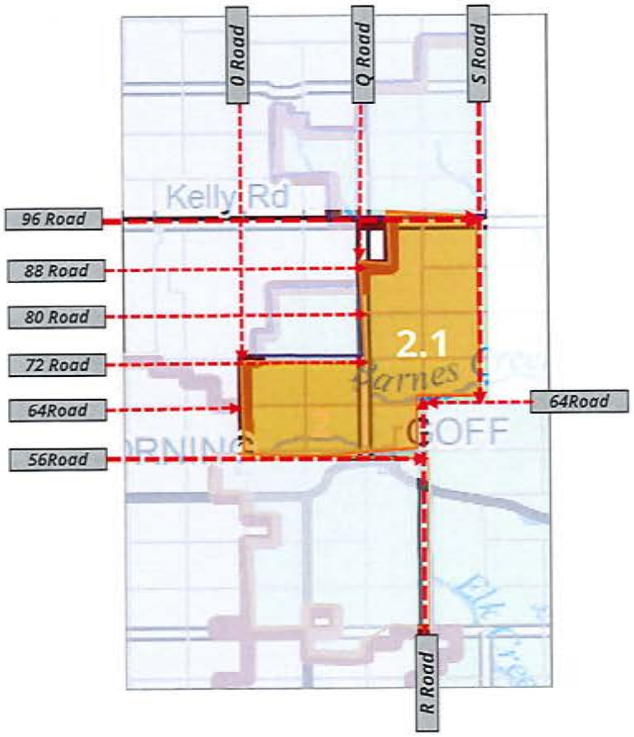


Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211

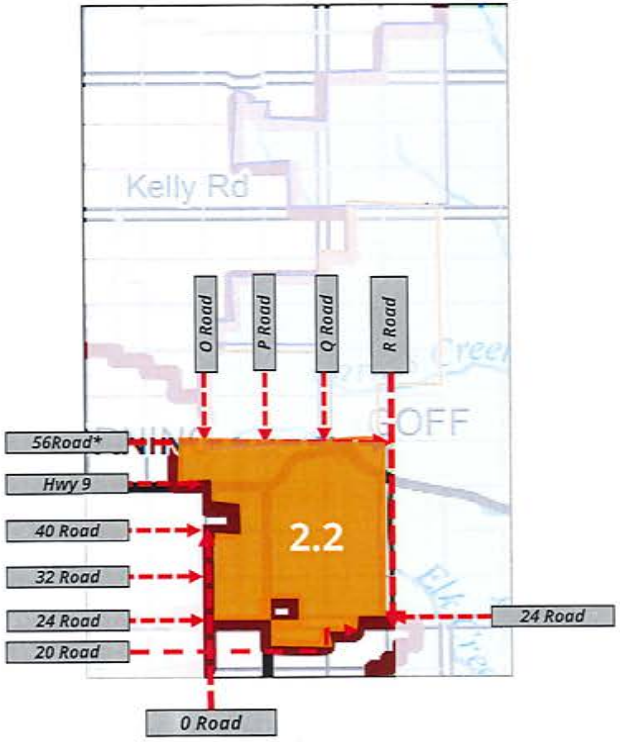
Boundaries between F Road and O Road (section 1.1B are undisputed). Subsections 1.1A (west side) and 1.1C (east side) are both disputed.

Proposed transfer from USD 113 to USD 380

SECTION 2.1



SECTION 2.2 - Undisputed

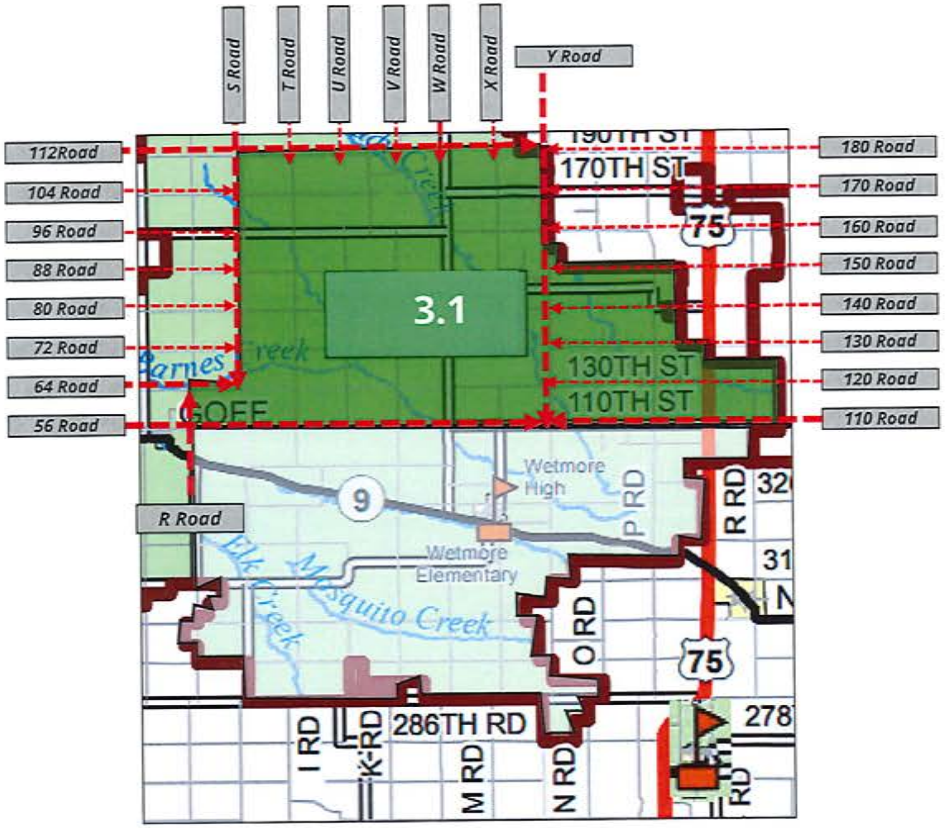


Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211

***Boundaries in section 2.2 are undisputed**

Proposed transfer from USD 113 to USD 335 (1 of 2)

SECTION 3.1



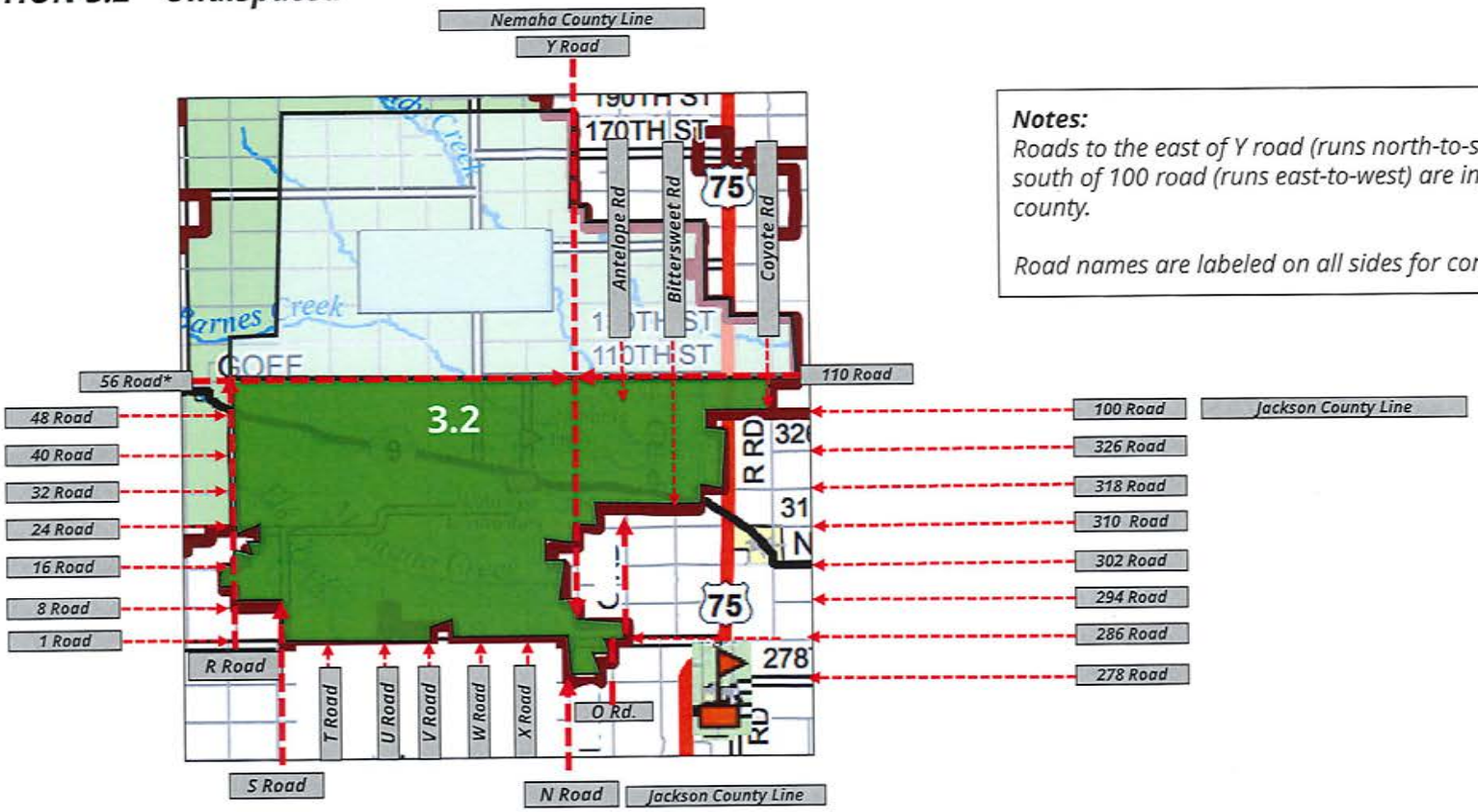
Notes:
Y road (runs north-to-south) represents the Nemaha County line. The road names on the eastern side of this line vary due to this boundary line.

Roads are labeled on the East and West sides for convenience.

Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211

Proposed transfer from USD 113 to USD 335 (2 of 2)

SECTION 3.2 – Undisputed



Notes:
Roads to the east of Y road (runs north-to-south), and south of 100 road (runs east-to-west) are in Jackson county.

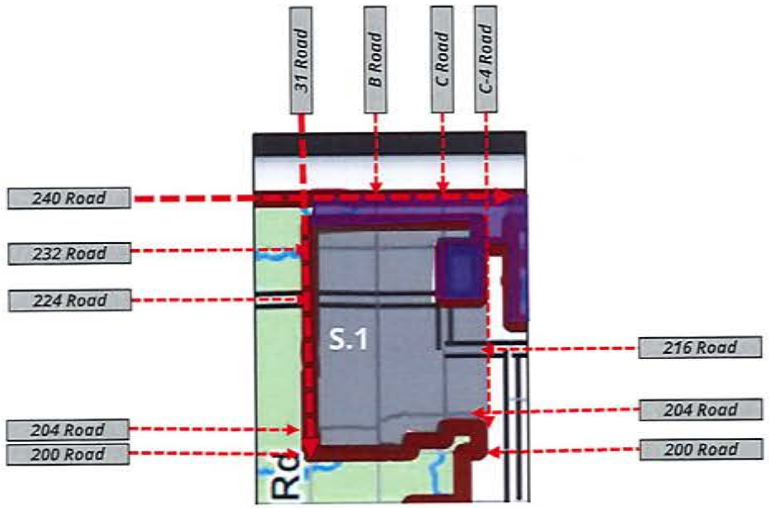
Road names are labeled on all sides for convenience.

Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211

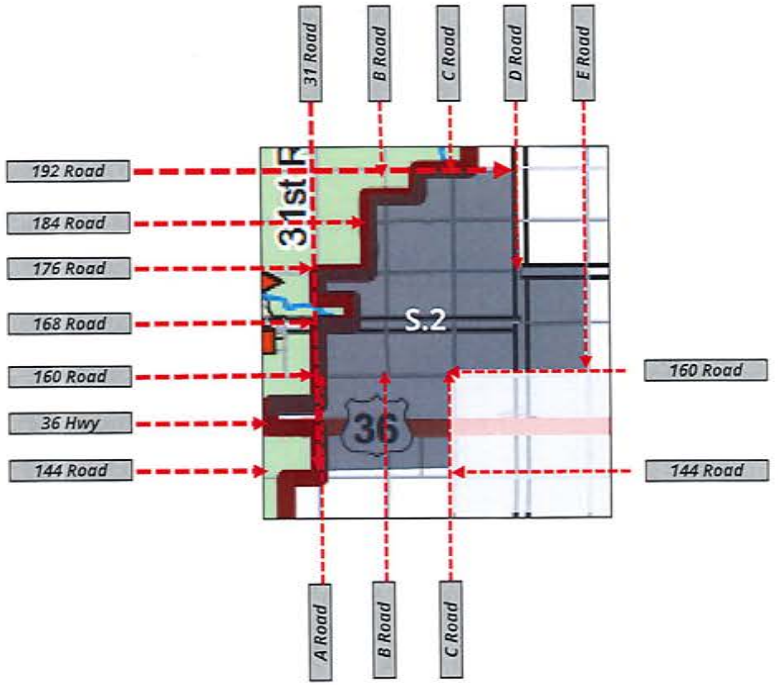
***Boundaries in section 3.2 are undisputed**

Proposed transfer from USD 115 to USD 113

SECTION S.1



SECTION S.2

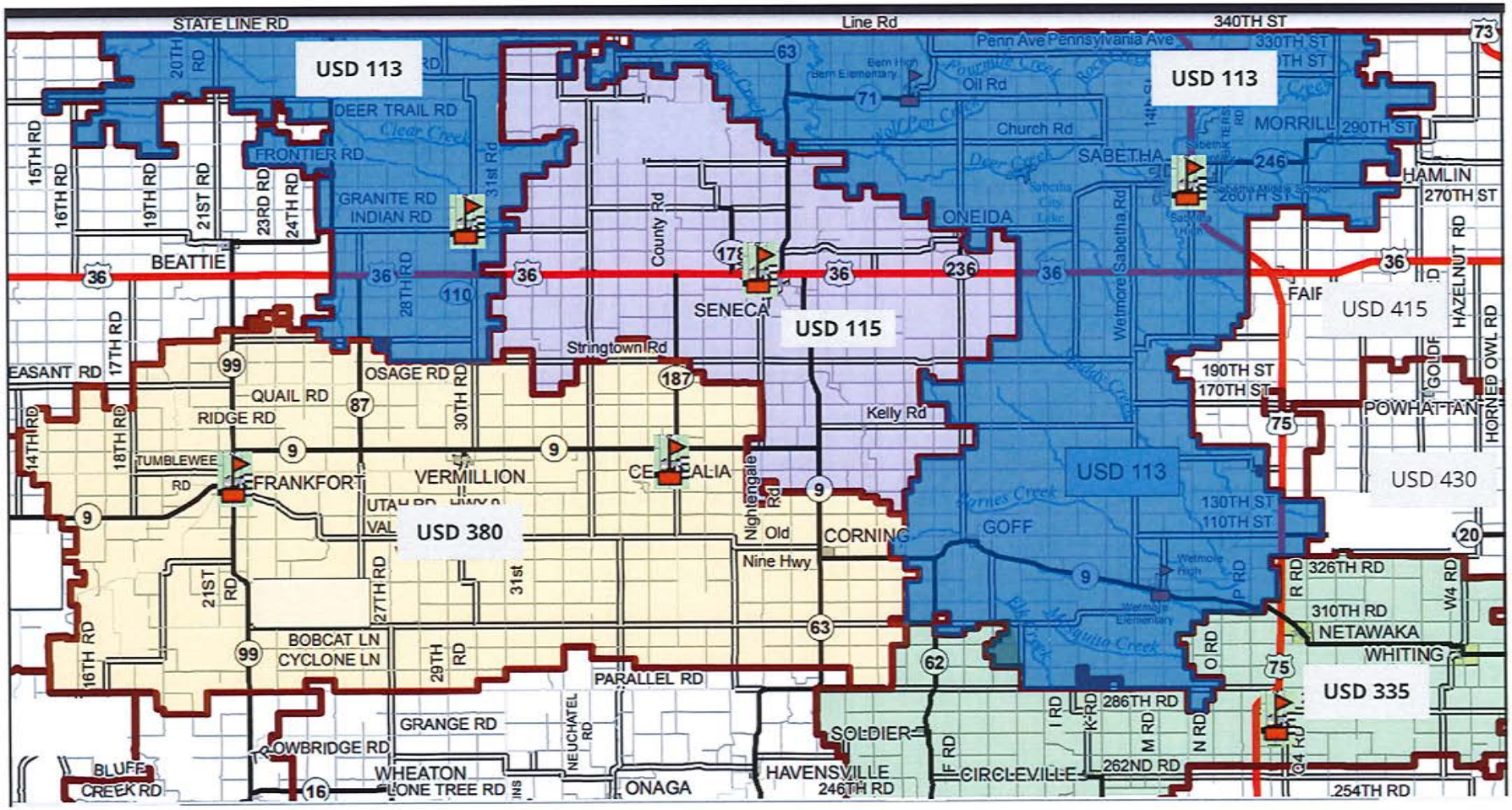


Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211

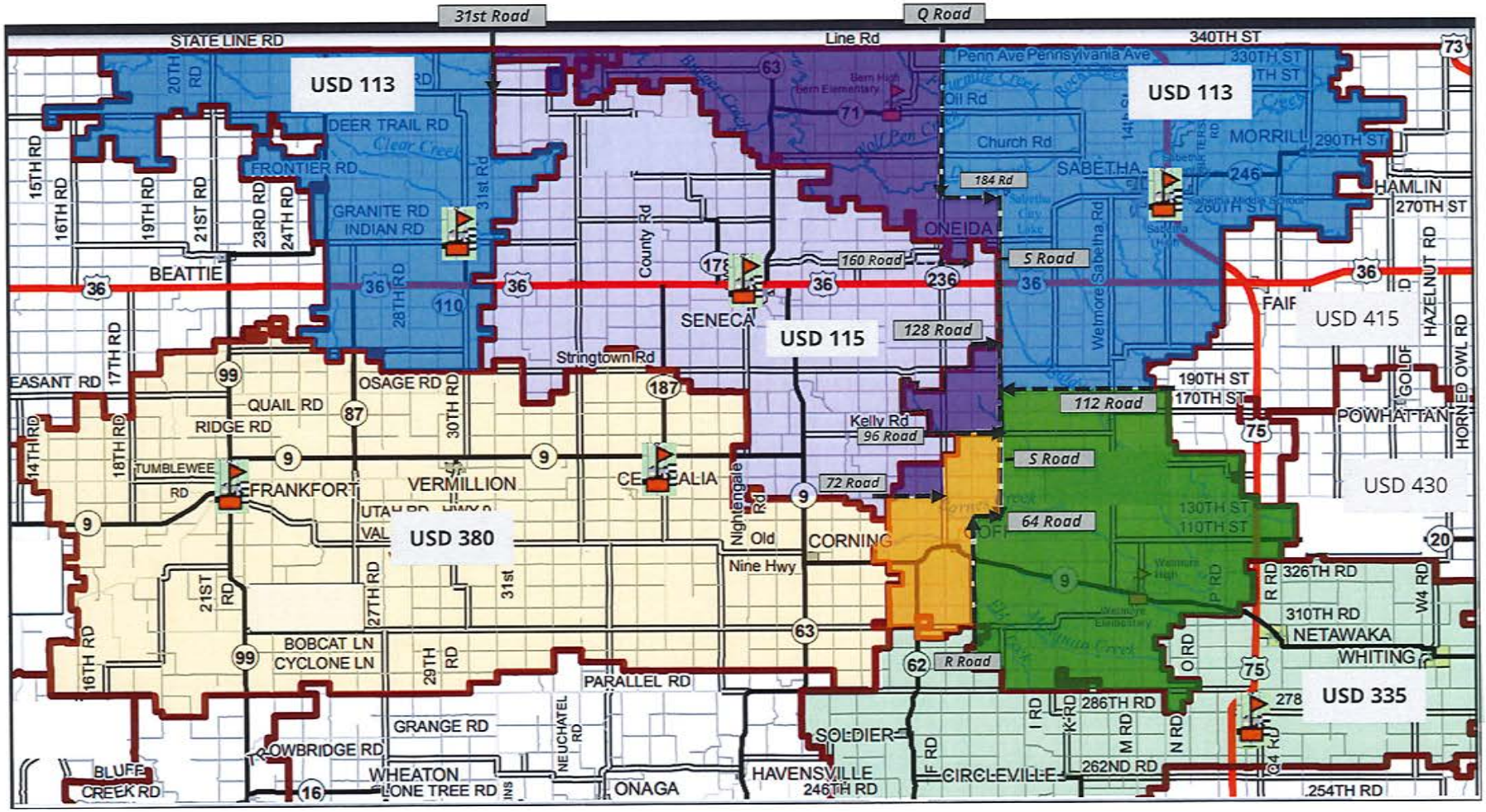
Reorganization Proposals

Side-by-side comparison

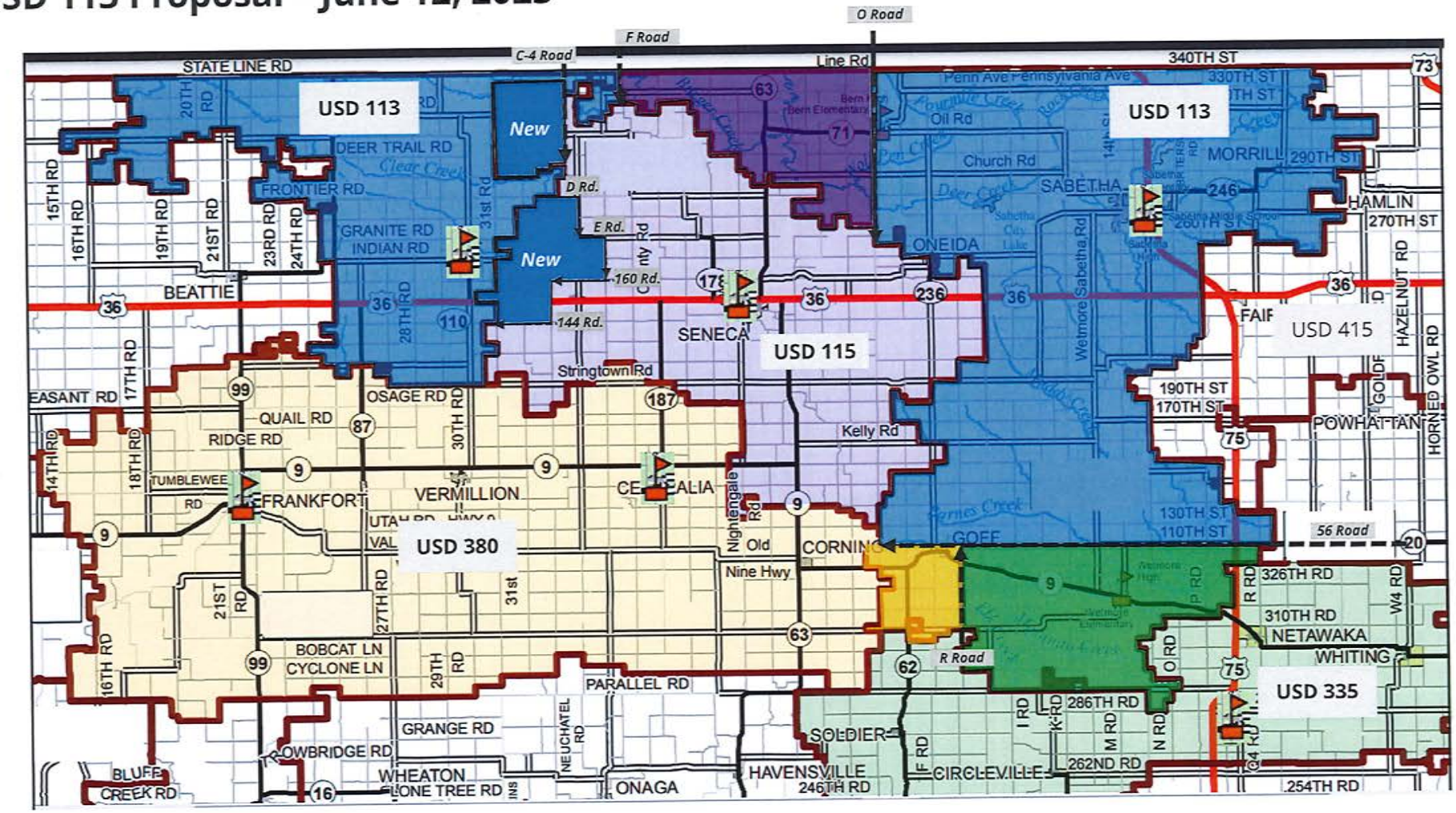
USD 113 Current District Map



USD 335, USD 380, and USD 115 Joint Proposal

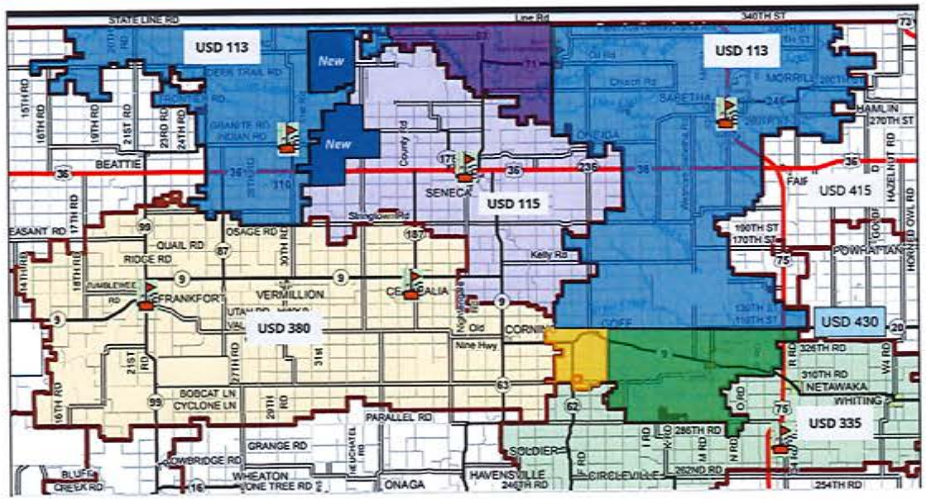


USD 113 Proposal – June 12, 2023

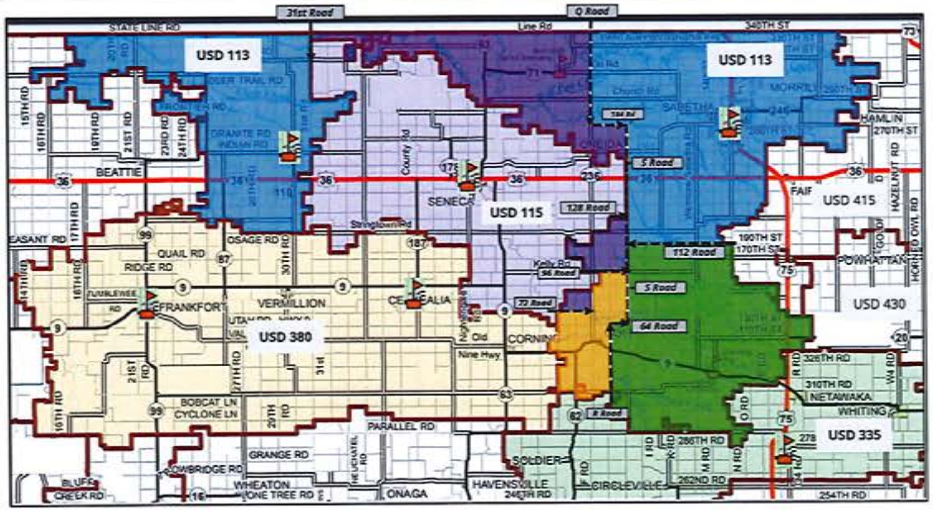


Side by side comparison

USD 113 Proposal



USD 335 / 380 / 115 Proposal



- USD 113 – Sabetha/Axtell
- USD 115 – Nemaha Central
- USD 335 – Jackson Heights
- USD 380 – Centralia/Vermillion

Jim Howard <jim.howard@jhcobras.net>

SO 66

5 messages

Jim Howard <jim.howard@jhcobras.net> Fri, Oct 6, 2023 at 11:08 AM
To: Todd Evans <evanst@usd113.org>

Could I get a copy of your S0 66?

Thanks

Todd Evans <evanst@usd113.org> Fri, Oct 6, 2023 at 11:14 AM
To: Jim Howard <jim.howard@jhcobras.net>

Hi Jim, it is not completed at this time.
[Quoted text hidden]
--

USD 113
Prairie Hills
Preparing Kids, Shaping the Future

Preparing Kids, Shaping the Future
Todd Evans

Jim Howard <jim.howard@jhcobras.net> Fri, Oct 6, 2023 at 11:18 AM
To: Todd Evans <evanst@usd113.org>

Ok, thanks for the reply.
[Quoted text hidden]

Jim Howard <jim.howard@jhcobras.net> Fri, Oct 6, 2023 at 11:20 AM
To: Todd Evans <evanst@usd113.org>

Do you have your K-12 enrollment numbers? That is probably all I need.

Thanks
[Quoted text hidden]

Jim Howard <jim.howard@jhcobras.net> Fri, Oct 6, 2023 at 12:30 PM

To: Todd Evans <evanst@usd113.org>

Certainly, I've taken the initiative to forward my complete SO 66 to foster transparency as we prepare for the upcoming mediation. It would be greatly appreciated if you could reciprocate by sharing your information once you've submitted your report, provided you are willing to do so. This collaborative exchange of information will undoubtedly enhance our mediation process and facilitate a more productive resolution.

Thanks
JH
[Quoted text hidden]

D0335_SO66_24.pdf
558K

Joshua A. Ney
josh@knlawgroup.com
Phone: (913) 303-0639

October 6, 2023

VIA EMAIL
Kansas State Board of Education
c/o R. Scott Gordon, General Counsel
sgordon@ksde.org

RE: Request for land transfer mediation pursuant to K.S.A. 72-530 on behalf of USD 335

Dear Kansas State Board of Education:

On behalf of USD 335, I formally request the appointment of a mediator pursuant to K.S.A. 72-530 for the purpose of considering land transfer between USD 113 and USD 335. As you know from previous correspondence, this request is made in cooperation and consent of two other districts submitting similar requests, and it is my client's position that these requests should be considered with reference to one another. However, based on your request, USD 335 is submitting this separate request for mediation to conform with your request.

I attach the documentation in current draft form as requested in your September 12, 2023 email. Obviously, this information is subject to change as a result of mediation and as more information is provided from USD 113 and other districts. Because K.S.A 72-530 does not expressly require specific documentation at this stage, however, we hope that the compiled information can allow the process to expeditiously move forward toward mediation and (if necessary) hearing to ensure this process is completed in time for potential land transfer effective prior to the school year commencing July 1, 2024.

Thank you for your assistance.

Sincerely,

/s/ Joshua A. Ney
Joshua A. Ney, Partner

CC: Chad Tenpenny, Legal Counsel for USD 113

PETITION BY BOARD OF EDUCATION OF UNIFIED SCHOOL DISTRICT NO. 335 FOR TRANSFER OF TERRITORY

This Petition is made by the Board of Education of Unified School District No. 335, Jackson County, State of Kansas, to the Kansas State Board of Education on this 28th day of September 2023. As the basis for this Petition, the petitioning board states:

1. This Petition is made under authority of K.S.A. 72-532.

2. Mediation was attempted under K.S.A. 72-530, but failed.

3. The State Board of Education is requested to transfer the territory described below or in attached Exhibit A from Unified School District No. 335, Jackson County, State of Kansas, to Unified School District No. 335, Jackson County, State of Kansas:

4. The petitioning board is of the opinion that the transfer of territory requested in this Petition, if granted, would be consistent with the factors listed in subsection (d) of K.S.A. 72-532.

5. No petition for the transfer of substantially the same territory as described above has been submitted to the State Board within two years of the date of this Petition.

6. The petitioning board of education has authorized its president to sign this petition on its behalf.

President of Board of Education
Unified School District No. 335,
Jackson County State of Kansas

ATTEST:

Clerk of the Board of Education of
Unified School District No. 335,
Jackson County State of Kansas

NOTE: This Petition should be prepared with an original and two copies. The original should be sent to the Office of General Counsel, State Department of Education, Landon State Office Building, 900 SW Jackson Street, Suite 102, Topeka, Kansas 66612; one copy should be retained in the file of the petitioning district; and one copy should be sent to the board of education of the other school district involved in the requested transfer.

COMPARISON OF DISTRICTS
(BEFORE TRANSFER)

		USD No. 335	USD No. 113
Area (Sq. Miles):		213	543
Enrollment:		452*	TBC by USD 113
Assessed Valuation:		$29,519,121	$148,651,979
Tax Levy:		45.917	48.261
Teachers (FTE):		39.5	TBC by USD 113
Enrollment by Grade:	K	33	TBC by USD 113
	1	33	TBC by USD 113
	2	32	TBC by USD 113
	3	35	TBC by USD 113
	4	34	TBC by USD 113
	5	27	TBC by USD 113
	6	37	TBC by USD 113
	7	34	TBC by USD 113
	8	46	TBC by USD 113
	9	34	TBC by USD 113
	10	40	TBC by USD 113
	11	42	TBC by USD 113
	12	25	TBC by USD 113

**USD 335 serves 110 students that live in USD 113 territory. The majority of these students transferred to USD 110 due to the Wetmore school closure. Refer to USD 335's "Out of District Student Report" for details.*

COMPARISON OF DISTRICTS
(AFTER TRANSFER)
ESTIMATE

		USD No. 335	USD No. 113
Area (Sq. Miles):		328.88	427.12
Enrollment:		452*	TBC by USD 113
Assessed Valuation:		$43,262,043	$134,909,057
Tax Levy:		40.689	48.261
Teachers (FTE):		51.00	TBC by USD 113
Enrollment by Grade:	K	33	TBC by USD 113
	1	33	TBC by USD 113
	2	32	TBC by USD 113
	3	35	TBC by USD 113
	4	34	TBC by USD 113
	5	27	TBC by USD 113
	6	37	TBC by USD 113
	7	34	TBC by USD 113
	8	46	TBC by USD 113
	9	34	TBC by USD 113
	10	40	TBC by USD 113
	11	42	TBC by USD 113
	12	25	TBC by USD 113

**USD 335 serves 110 students that live in USD 113 territory. The majority of these students transferred to USD 110 due to the Wetmore school closure. Refer to USD 335's "Out of District Student Report" for details.*

GENERAL INFORMATION

WHERE APPROPRIATE, CIRCLE "YES" OR "NO"

Yes No A. In case a transfer is ordered, will changes occur that both sides agree would be educationally beneficial? If yes, list.

Yes No B. In case a transfer is ordered, will changes occur that both sides agree would be educationally detrimental? If yes, list.

CRITERIA

WHERE APPROPRIATE, CIRCLE "YES" OR "NO"

Yes No 1. Has the state board denied a petition for substantially the same territory within the past two years?

Yes No 2. Is the petitioned territory contiguous with the boundary line of the "receiving" district?

Yes No 3. Are a majority of the residents in the petitioned area tenants?

Yes No 4. Is this a housing development area or part of an industrial district? If yes, explain.

Yes No 5. Are there any other unusual characteristics of the petitioned area? If yes, explain.
Yes, Region impacted by 3 school closures in past 12 years

Yes No 6. Do a majority of the resident families that have school-age children desire to transfer?
Resident and landowner survey in progress (commissioned by 3rd party research firm, WPA Intelligence)

Yes No 7. Do a majority of the resident families that do not have school-age children desire to transfer?
Resident and landowner survey in progress (commissioned by 3rd party research firm, WPA Intelligence)

Yes No 8. Do a majority of the nonresident landowners support the transfer?
Resident and landowner survey in progress (commissioned by 3rd party research firm, WPA Intelligence)

Yes No 9. If this a request for a transfer of land on which there are no resident families?

Yes No 10. Does the "receiving" district have a policy of not accepting out-of-district pupils?

Yes No 11. If the "receiving" district accepts out-of-district pupils, does it charge tuition? If so, how much? _____
Who pays it? _____

Yes No 12. Will the "receiving" district board permit its buses to enter other districts to pick up children at their homes if permission is granted?

Yes No 13. Does the "giving" district board permit buses of the "receiving" district to enter the petitioned area to pick up children?

Yes No 14. Will the "receiving" district permit buses of the "giving" district or other districts to enter its boundaries to pick up children?

Yes No 15. Are all or any of the pupils residing in the petitioned area attending school in the district of their choice? If yes, explain.

Yes No 16. Do any pupils who reside in the petitioned area and attend school in the "receiving" district live more than a mile from a "receiving" district bus pickup point or the attendance facility of each district? If yes, explain.
Majority of students live more than one mile from attendance facilities in both districts.

Yes No 17. If the children of the petitioned area attend school in the "giving" district, are they required to walk more than a mile to board a district bus?

Yes No 18. Do physical conditions such as topography, roads, bridges, waterways, etc., make it more practical for the "receiving" district to serve the children in the petitioned area?
Yes, petitioned area is physically closer to receiving district

Yes No 19. Will an undue hardship be placed on pupils residing in the petitioned area if the transfer is **not** approved? If so, explain.

Yes No 20. Would the transfer of the petitioned area and loss of enrollment or valuation impose a substantial financial hardship on the "giving" district?

Yes No 21. Would the proposed transfer impair the ability of the "giving" district to offer and teach thirty units of credit?

Yes No 22. Are the schools of both districts accredited? If not, explain.

Yes No 23. Would a transfer of the petitioned area separate more than ¼ of the territory and taxable tangible valuation of the "giving" school district as it was constituted at time of unification?

Yes No 24. Are there reasons for requesting the transfer other than the educational needs of the children, such as an anticipated bond election in the "giving" district or a considerable higher tax levy in the "giving" district?

Yes No 25. Would a transfer substantially lessen the distance most pupils living in the petitioned area have to travel to school?
Yes, primary reason for attending USD 380 from petitioned area is proximity to school

Yes No 26. Are the pupils proposed to be transferred former students of a school closed by the "giving" district?

27. What is the assessed valuation of the petitioned area?

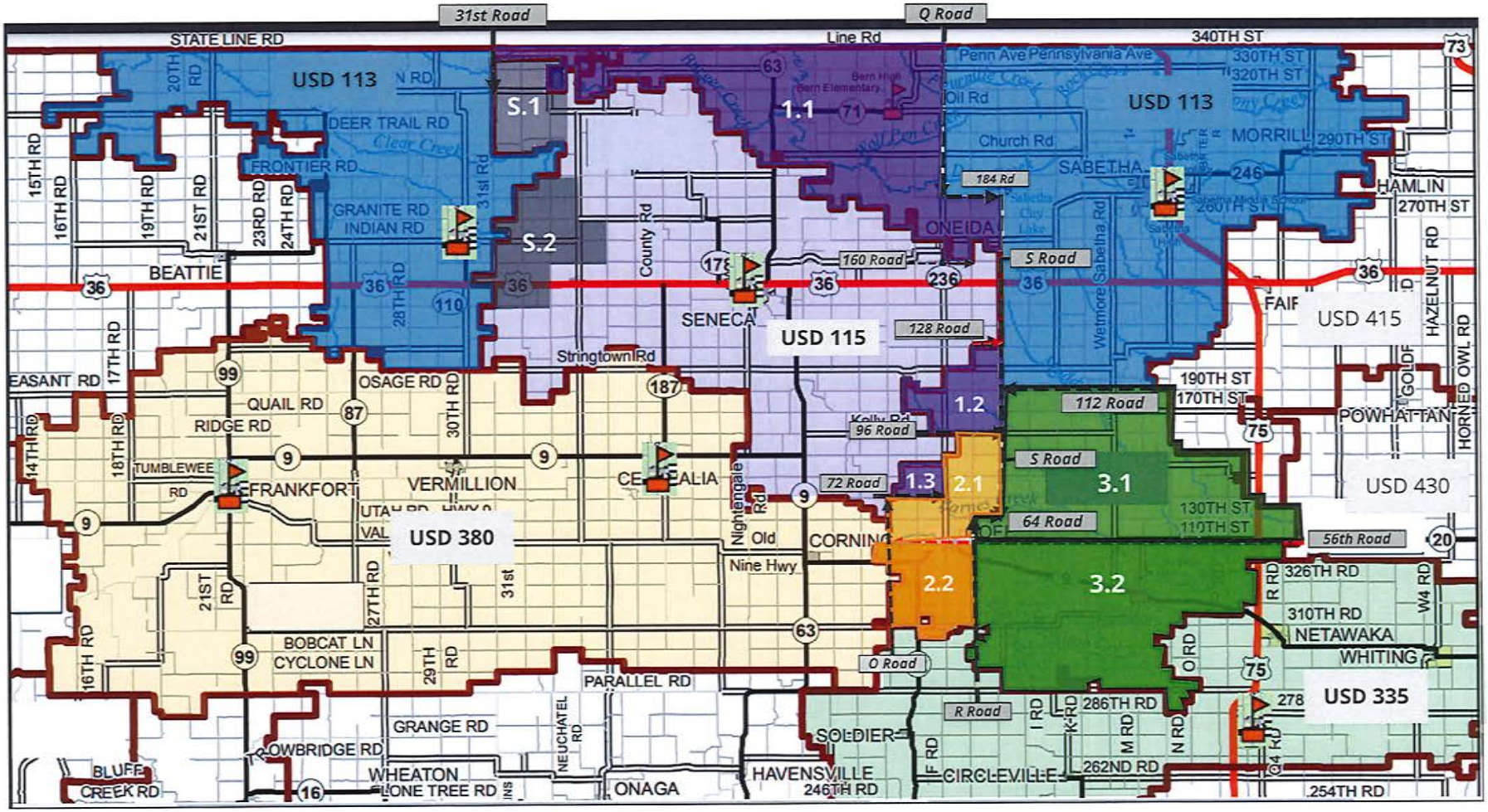
$13,742,922

Briefly describe how each of the factors listed in subsection (d) of K.S.A. 72-532 impacts the request for transfer of territory.

The students in the petitioned area live closer to USD 335 than USD 113, and the majority of families, resident tenants, and landowners from this region prefer to transfer to USD 335.

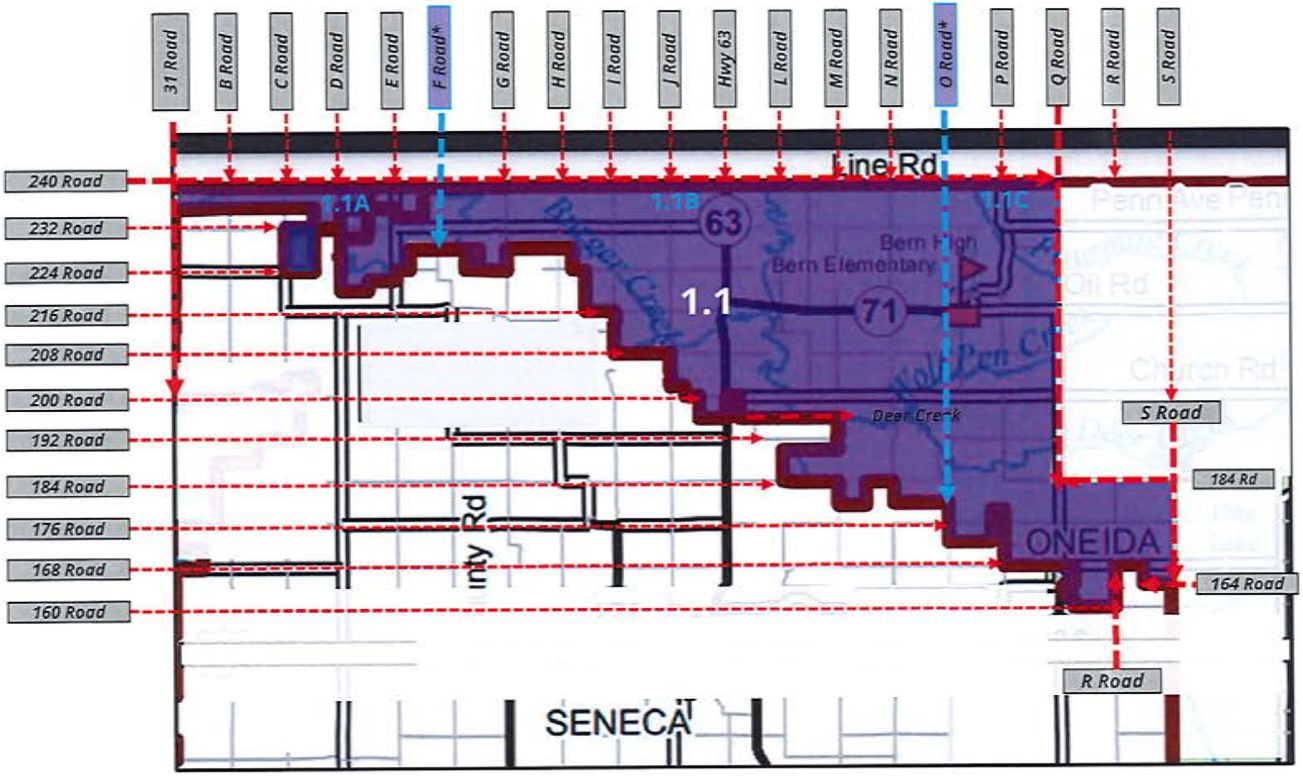
Patrons from the petitioned area are choosing USD 335 due to proximity and other social, cultural, and economic norms in the region. Traveling to USD 113 for school every day does not make geographic or economic sense for most families.

USD 113 Land Transfer Discussion – September 2023

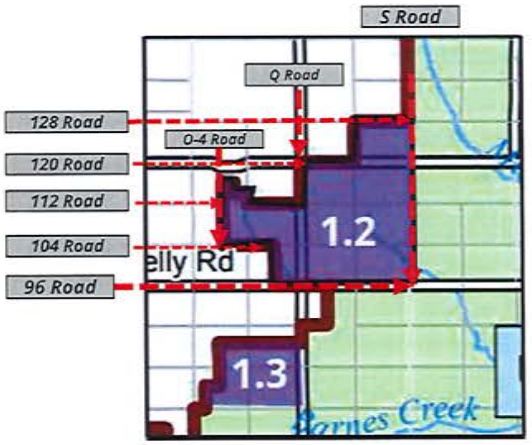


Proposed transfer from USD 113 to USD 115

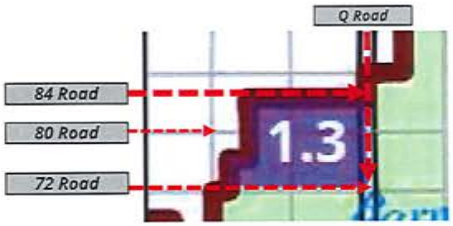
SECTION 1.1



SECTION 1.2



SECTION 1.3

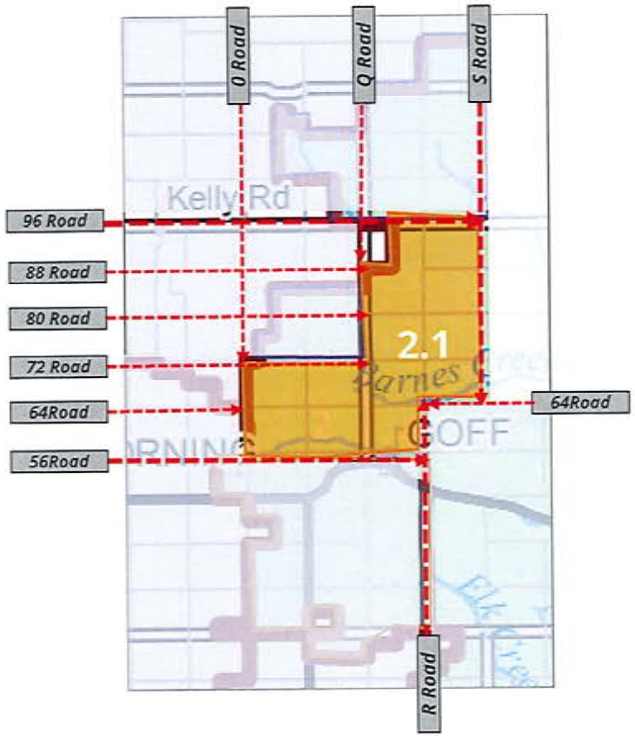


Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211

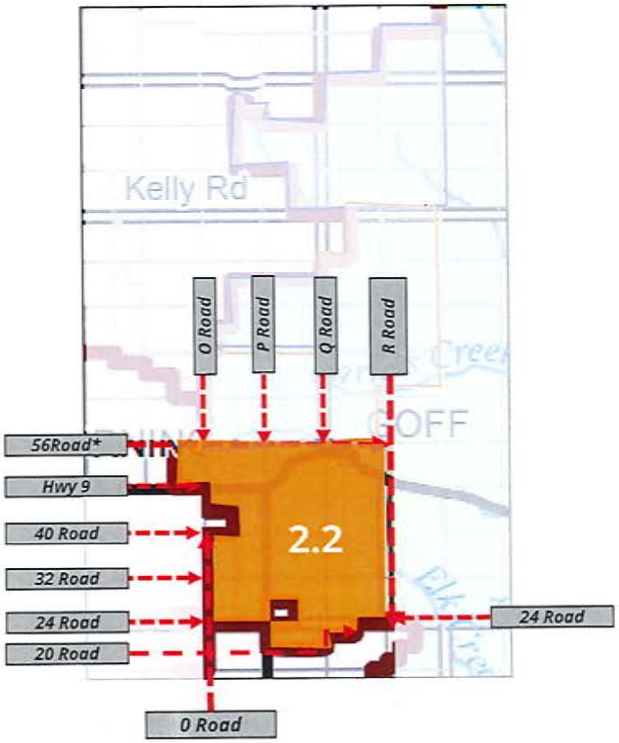
Boundaries between F Road and O Road (section 1.1B are undisputed). Subsections 1.1A (west side) and 1.1C (east side) are both disputed.

Proposed transfer from USD 113 to USD 380

SECTION 2.1



SECTION 2.2 - Undisputed

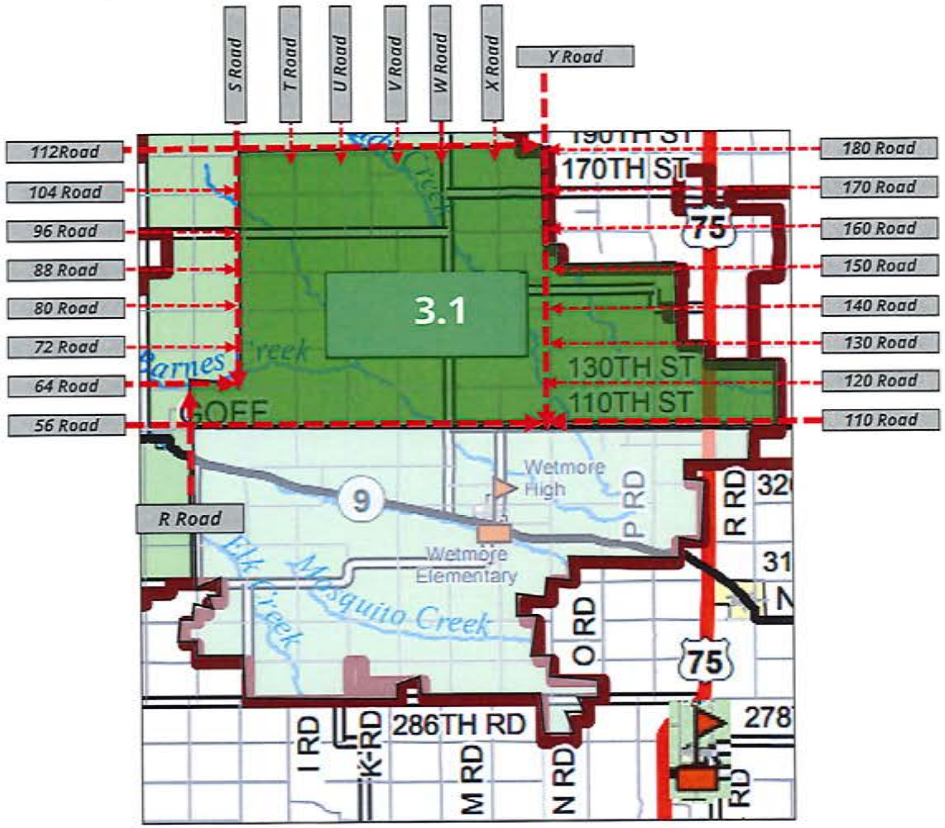


Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211

Boundaries in section 2.2 are undisputed

Proposed transfer from USD 113 to USD 335 (1 of 2)

SECTION 3.1



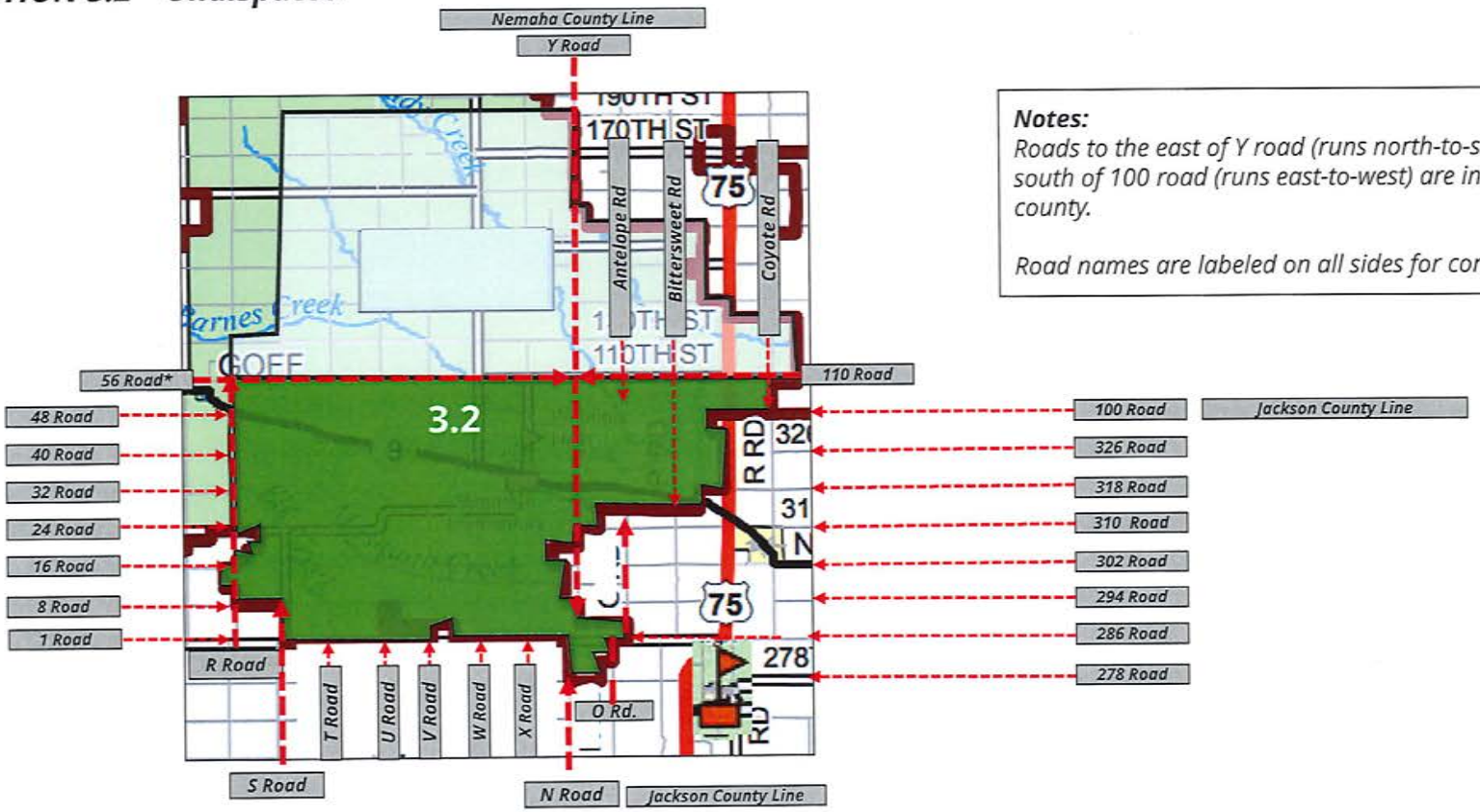
Notes:
Y road (runs north-to-south) represents the Nemaha County line. The road names on the eastern side of this line vary due to this boundary line.

Roads are labeled on the East and West sides for convenience.

Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211

Proposed transfer from USD 113 to USD 335 (2 of 2)

SECTION 3.2 – Undisputed



Notes:
Roads to the east of Y road (runs north-to-south), and south of 100 road (runs east-to-west) are in Jackson county.

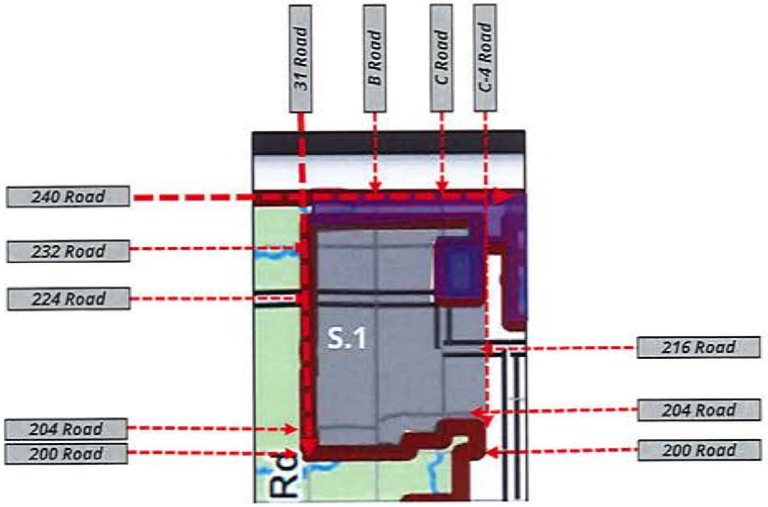
Road names are labeled on all sides for convenience.

Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211

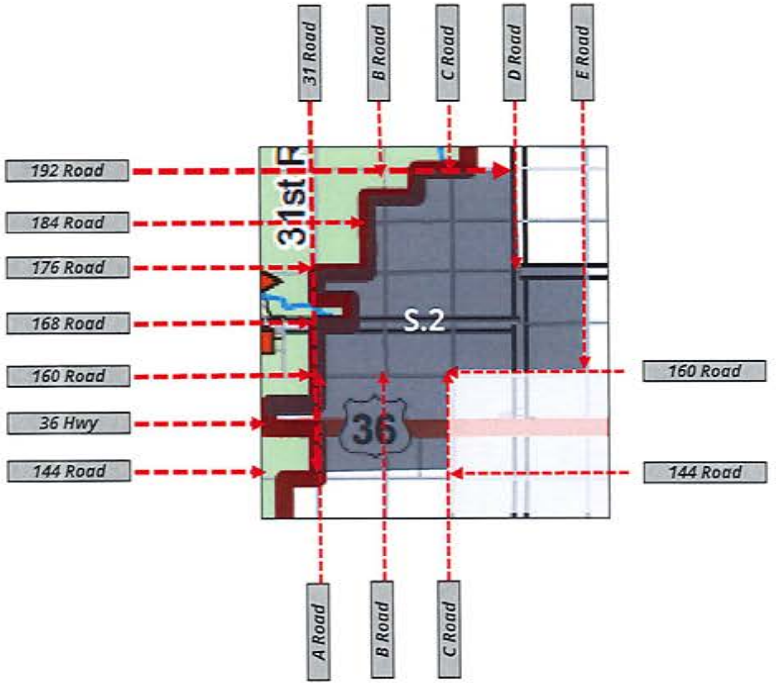
Boundaries in section 3.2 are undisputed

Proposed transfer from USD 115 to USD 113

SECTION S.1



SECTION S.2

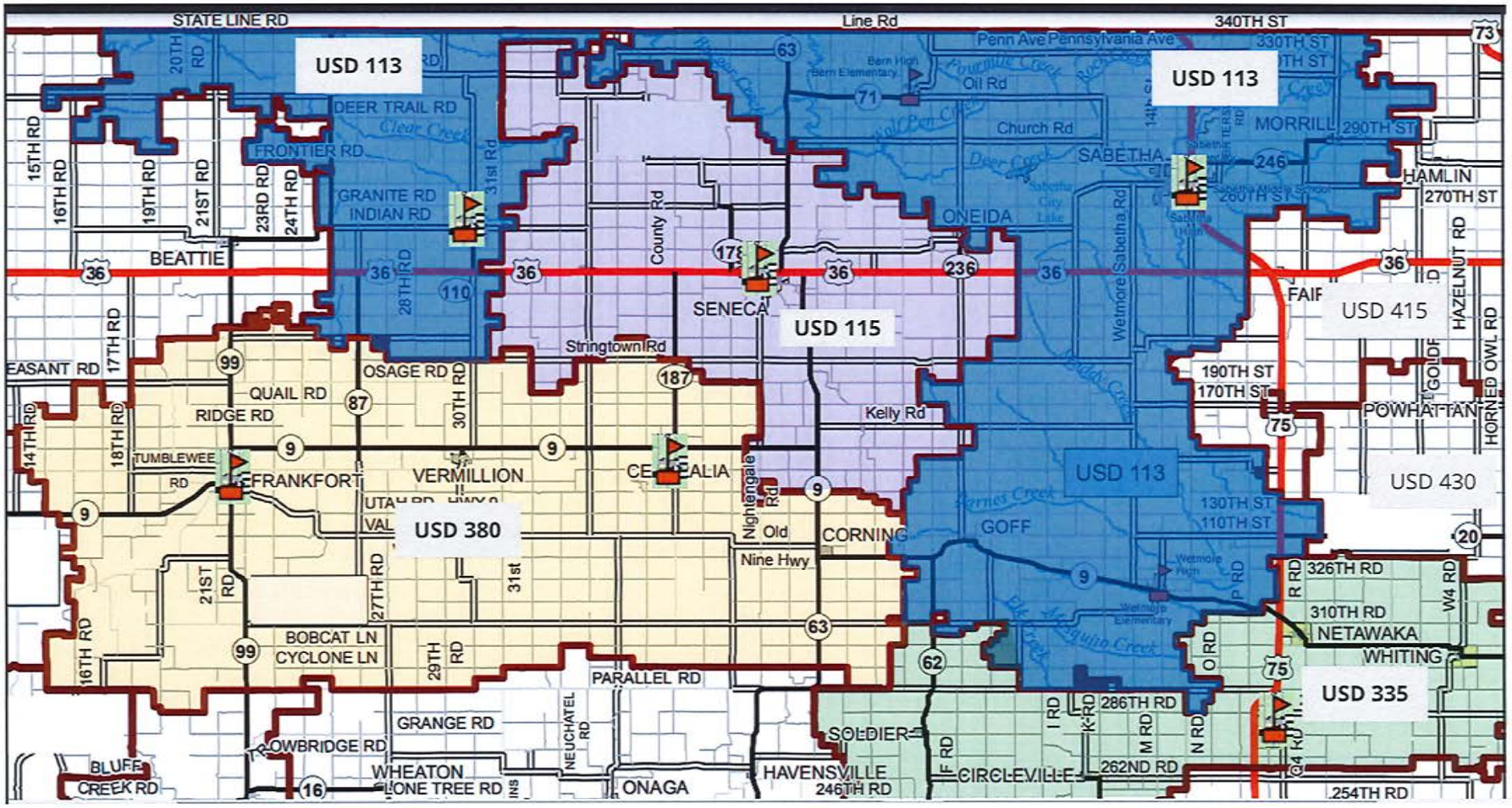


Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211

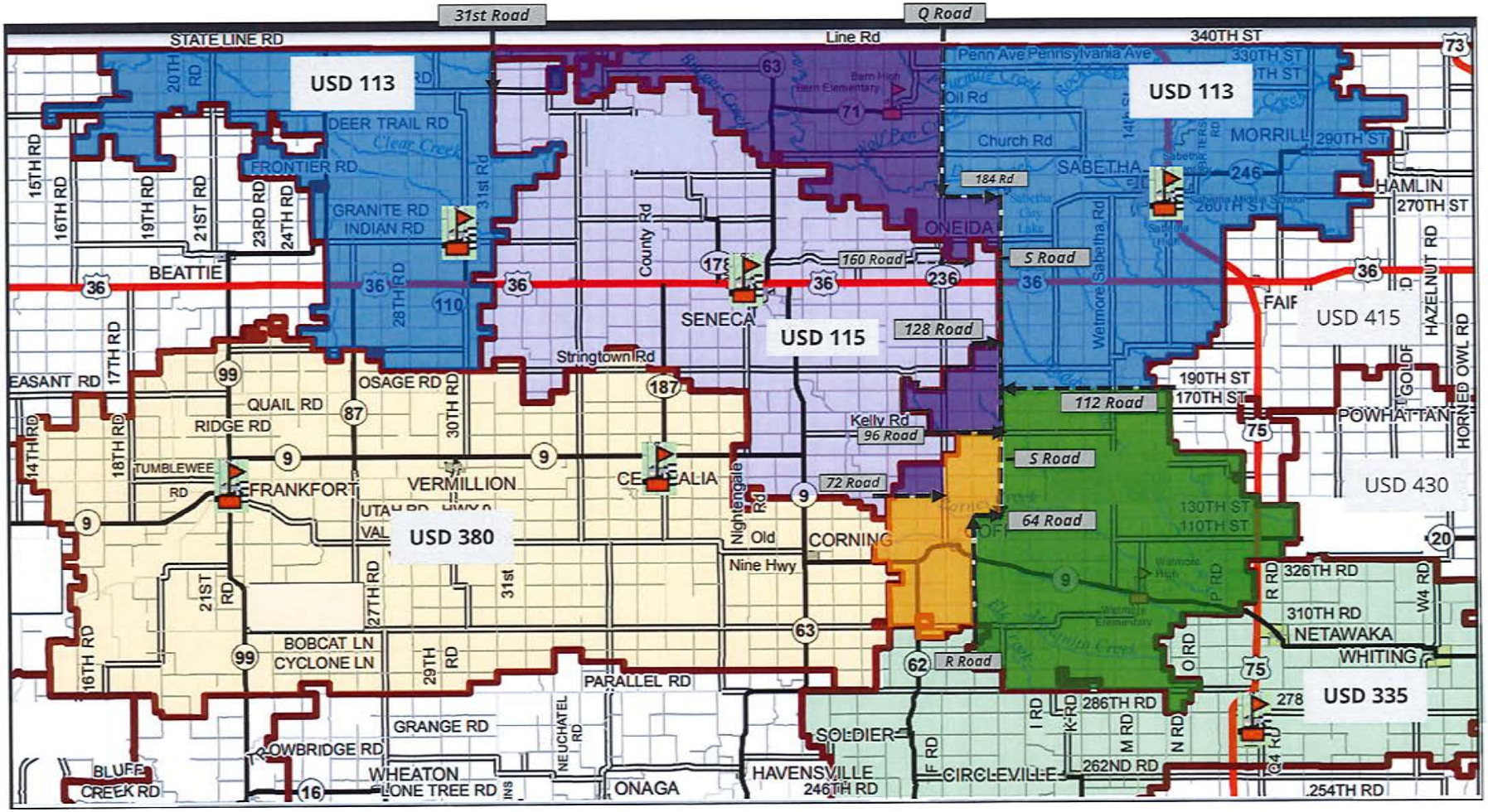
Reorganization Proposals

Side-by-side comparison

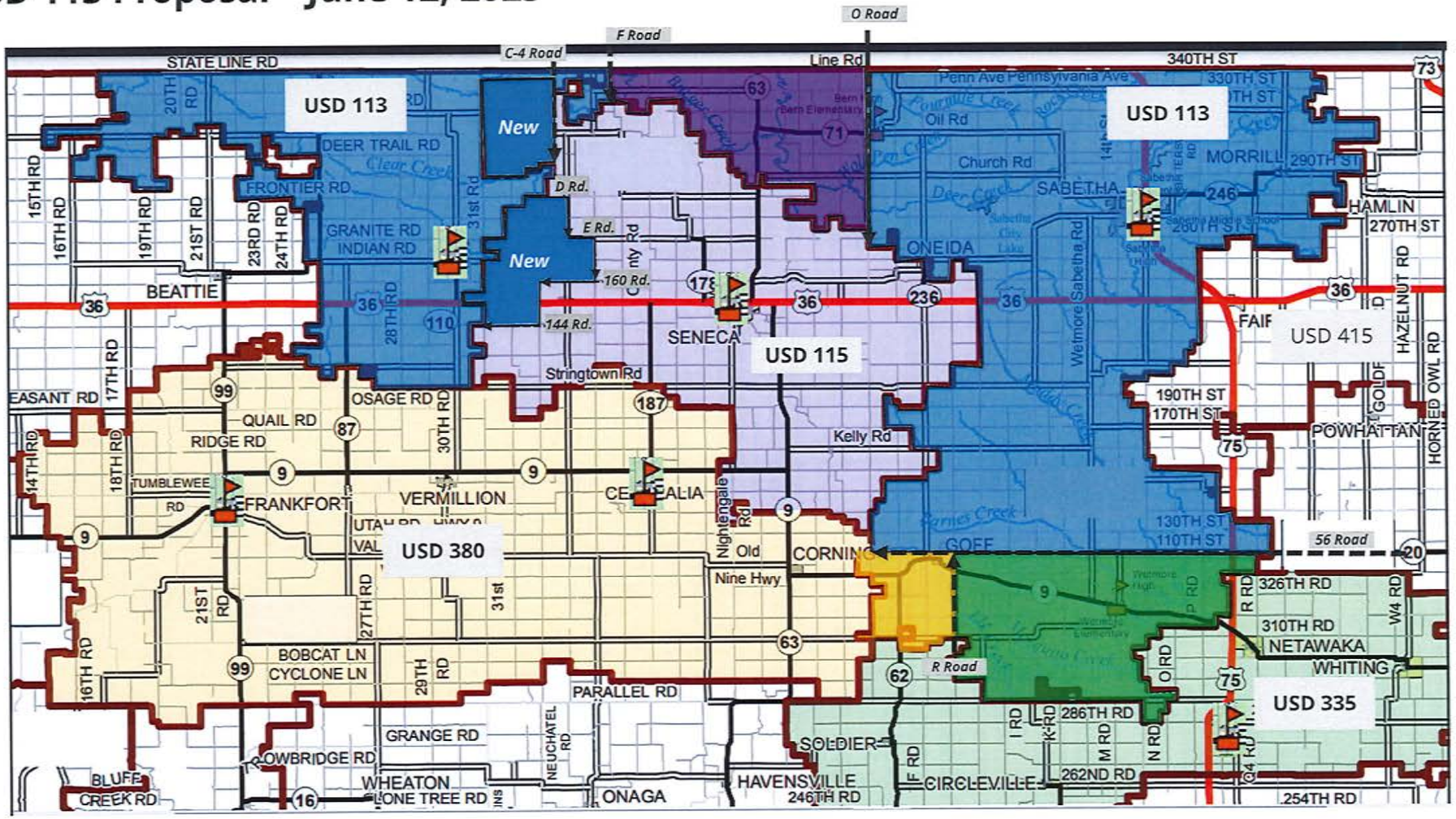
USD 113 Current District Map



USD 335, USD 380, and USD 115 Joint Proposal

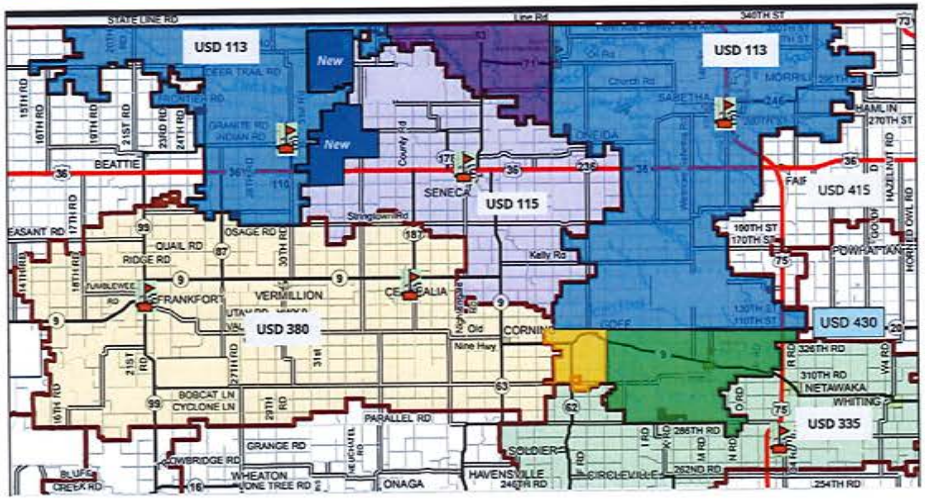


USD 113 Proposal – June 12, 2023

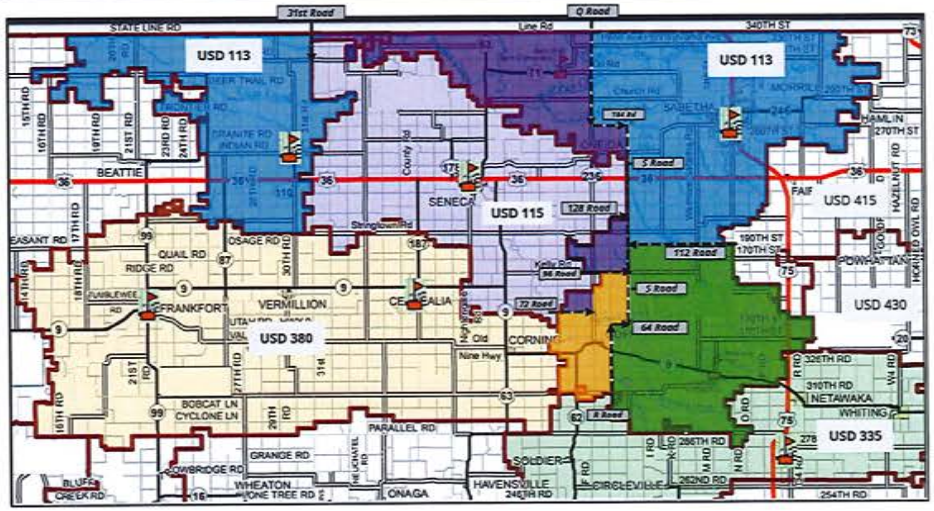


Side by side comparison

USD 113 Proposal



USD 335 / 380 / 115 Proposal



- USD 113 – Sabetha/Axtell
- USD 115 – Nemaha Central
- USD 335 – Jackson Heights
- USD 380 – Centralia/Vermillion

Jim Howard <jim.howard@jhcobras.net>

SO 66

5 messages

Jim Howard <jim.howard@jhcobras.net> Fri, Oct 6, 2023 at 11:08 AM
To: Todd Evans <evanst@usd113.org>

Could I get a copy of your S0 66?

Thanks

Todd Evans <evanst@usd113.org> Fri, Oct 6, 2023 at 11:14 AM
To: Jim Howard <jim.howard@jhcobras.net>

Hi Jim, it is not completed at this time.
[Quoted text hidden]
--

USD 113
Prairie Hills
Preparing Kids, Shaping the Future

Preparing Kids, Shaping the Future
Todd Evans

Jim Howard <jim.howard@jhcobras.net> Fri, Oct 6, 2023 at 11:18 AM
To: Todd Evans <evanst@usd113.org>

Ok, thanks for the reply.
[Quoted text hidden]

Jim Howard <jim.howard@jhcobras.net> Fri, Oct 6, 2023 at 11:20 AM
To: Todd Evans <evanst@usd113.org>

Do you have your K-12 enrollment numbers? That is probably all I need.

Thanks
[Quoted text hidden]

Jim Howard <jim.howard@jhcobras.net> Fri, Oct 6, 2023 at 12:30 PM

To: Todd Evans <evanst@usd113.org>

Certainly, I've taken the initiative to forward my complete SO 66 to foster transparency as we prepare for the upcoming mediation. It would be greatly appreciated if you could reciprocate by sharing your information once you've submitted your report, provided you are willing to do so. This collaborative exchange of information will undoubtedly enhance our mediation process and facilitate a more productive resolution.

Thanks
JH
[Quoted text hidden]

D0335_SO66_24.pdf
558K

Joshua A. Ney
josh@knlawgroup.com
Phone: (913) 303-0639

October 6, 2023

VIA EMAIL
Kansas State Board of Education
c/o R. Scott Gordon, General Counsel
sgordon@ksde.org

RE: Request for land transfer mediation pursuant to K.S.A. 72-530 on behalf of USD 380

Dear Kansas State Board of Education:

On behalf of USD 380, I formally request the appointment of a mediator pursuant to K.S.A. 72-530 for the purpose of considering land transfer between USD 113 and USD 380. As you know from previous correspondence, this request is made in cooperation and consent of two other districts submitting similar requests, and it is my client's position that these requests should be considered with reference to one another. However, based on your request, USD 380 is submitting this separate request for mediation to conform with your request.

I attach the documentation in current draft form as requested in your September 12, 2023 email. Obviously, this information is subject to change as a result of mediation and as more information is provided from USD 113 and other districts. Because K.S.A 72-530 does not expressly require specific documentation at this stage, however, we hope that the compiled information can allow the process to expeditiously move forward toward mediation and (if necessary) hearing to ensure this process is completed in time for potential land transfer effective prior to the school year commencing July 1, 2024.

Thank you for your assistance.

Sincerely,

/s/ Joshua A. Ney
Joshua A. Ney, Partner

CC: Chad Tenpenny, Legal Counsel for USD 113

PETITION BY BOARD OF EDUCATION OF UNIFIED SCHOOL DISTRICT NO. 380 FOR TRANSFER OF TERRITORY

This Petition is made by the Board of Education of Unified School District No. 380, Marshall County, State of Kansas, to the Kansas State Board of Education on this 29th day of September, 2023. As the basis for this Petition, the petitioning board states:

1. This Petition is made under authority of K.S.A. 72-532.

2. Mediation was attempted under K.S.A. 72-530, but failed.

3. The State Board of Education is requested to transfer the territory described below or in attached Exhibit A from Unified School District No. 113, Nemaha County, State of Kansas, to Unified School District No. 380, Marshall County, State of Kansas:

4. The petitioning board is of the opinion that the transfer of territory requested in this Petition, if granted, would be consistent with the factors listed in subsection (d) of K.S.A. 72-532.

5. No petition for the transfer of substantially the same territory as described above has been submitted to the State Board within two years of the date of this Petition.

6. The petitioning board of education has authorized its president to sign this petition on its behalf.

President of Board of Education
Unified School District No. 380,
Marshall County
State of Kansas

ATTEST:

Clerk of the Board of Education of
Unified School District No. 380, Marshall
County
State of Kansas

NOTE: This Petition should be prepared with an original and two copies. The original should be sent to the Office of General Counsel, State Department of Education, Landon State Office Building, 900 SW Jackson Street, Suite 102, Topeka, Kansas 66612; one copy should be retained in the file of the petitioning district; and one copy should be sent to the board of education of the other school district involved in the requested transfer.

COMPARISON OF DISTRICTS
(BEFORE TRANSFER)

		USD No. 380	USD No. 113
Area (Sq. Miles):		402	543
Enrollment:		585*	TBC by USD 113
Assessed Valuation:		$65,173,970	$148,651,979
Tax Levy:		40.689	48.261
Teachers (FTE):		51.00	TBC by USD 113
Enrollment by Grade:	K	59	TBC by USD 113
	1	54	TBC by USD 113
	2	42	TBC by USD 113
	3	41	TBC by USD 113
	4	52	TBC by USD 113
	5	36	TBC by USD 113
	6	45	TBC by USD 113
	7	43	TBC by USD 113
	8	48	TBC by USD 113
	9	44	TBC by USD 113
	10	40	TBC by USD 113
	11	44	TBC by USD 113
	12	37	TBC by USD 113

**USD 380 serves 18 students that live in USD 113 territory. The majority of these students transferred to USD 115 due to the Wetmore school closure. Refer to USD 380's "Out of District Student Report" for details.*

COMPARISON OF DISTRICTS
(AFTER TRANSFER)
ESTIMATE

		USD No. 380	USD No. 113
Area (Sq. Miles):		426.71	518.29
Enrollment:		585*	TBC by USD 113
Assessed Valuation:		$68,451,581	$145,374,368
Tax Levy:		40.689	48.261
Teachers (FTE):		51.00	TBC by USD 113
Enrollment by Grade:	K	59	TBC by USD 113
	1	54	TBC by USD 113
	2	42	TBC by USD 113
	3	41	TBC by USD 113
	4	52	TBC by USD 113
	5	36	TBC by USD 113
	6	45	TBC by USD 113
	7	43	TBC by USD 113
	8	48	TBC by USD 113
	9	44	TBC by USD 113
	10	40	TBC by USD 113
	11	44	TBC by USD 113
	12	37	TBC by USD 113

**USD 380 serves 18 students that live in USD 113 territory. The majority of these students transferred to USD 115 due to the Wetmore school closure. Refer to USD 380's "Out of District Student Report" for details.*

GENERAL INFORMATION

WHERE APPROPRIATE, CIRCLE "YES" OR "NO"

Yes No A. In case a transfer is ordered, will changes occur that both sides agree would be educationally beneficial? If yes, list.

Yes No B. In case a transfer is ordered, will changes occur that both sides agree would be educationally detrimental? If yes, list.

CRITERIA

WHERE APPROPRIATE, CIRCLE "YES" OR "NO"

Yes No 1. Has the state board denied a petition for substantially the same territory within the past two years?

Yes No 2. Is the petitioned territory contiguous with the boundary line of the "receiving" district?

Yes No 3. Are a majority of the residents in the petitioned area tenants?

Yes No 4. Is this a housing development area or part of an industrial district? If yes, explain.

Yes No 5. Are there any other unusual characteristics of the petitioned area? If yes, explain.
Yes, Region impacted by 3 school closures in past 12 years

Yes No 6. Do a majority of the resident families that have school-age children desire to transfer?
Resident and landowner survey in progress (commissioned by 3rd party research firm, WPA Intelligence)

Yes No 7. Do a majority of the resident families that do not have school-age children desire to transfer?
Resident and landowner survey in progress (commissioned by 3rd party research firm, WPA Intelligence)

Yes No 8. Do a majority of the nonresident landowners support the transfer?
Resident and landowner survey in progress (commissioned by 3rd party research firm, WPA Intelligence)

Yes No 9. If this a request for a transfer of land on which there are no resident families?

Yes No 10. Does the "receiving" district have a policy of not accepting out-of-district pupils?

Yes No 11. If the "receiving" district accepts out-of-district pupils, does it charge tuition? If so, how much? _____
Who pays it? _____

Yes No 12. Will the "receiving" district board permit its buses to enter other districts to pick up children at their homes if permission is granted?

Yes No 13. Does the "giving" district board permit buses of the "receiving" district to enter the petitioned area to pick up children?

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Yes No 15. Are all or any of the pupils residing in the petitioned area attending school in the district of their choice? If yes, explain.

Yes No 16. Do any pupils who reside in the petitioned area and attend school in the "receiving" district live more than a mile from a "receiving" district bus pickup point or the attendance facility of each district? If yes, explain.
Majority of students live more than one mile from attendance facilities in both districts.

Yes No 17. If the children of the petitioned area attend school in the "giving" district, are they required to walk more than a mile to board a district bus?

Yes No 18. Do physical conditions such as topography, roads, bridges, waterways, etc., make it more practical for the "receiving" district to serve the children in the petitioned area?
Yes, petitioned area is physically closer to receiving district

Yes No 19. Will an undue hardship be placed on pupils residing in the petitioned area if the transfer is **not** approved? If so, explain.

Yes No 20. Would the transfer of the petitioned area and loss of enrollment or valuation impose a substantial financial hardship on the "giving" district?

Yes No 21. Would the proposed transfer impair the ability of the "giving" district to offer and teach thirty units of credit?

Yes No 22. Are the schools of both districts accredited? If not, explain.

Yes No 23. Would a transfer of the petitioned area separate more than ¼ of the territory and taxable tangible valuation of the "giving" school district as it was constituted at time of unification?

Yes No 24. Are there reasons for requesting the transfer other than the educational needs of the children, such as an anticipated bond election in the "giving" district or a considerable higher tax levy in the "giving" district?

Yes No 25. Would a transfer substantially lessen the distance most pupils living in the petitioned area have to travel to school?
Yes, primary reason for attending USD 380 from petitioned area is proximity to school

Yes No 26. Are the pupils proposed to be transferred former students of a school closed by the "giving" district?

27. What is the assessed valuation of the petitioned area?

$3,277,611.00

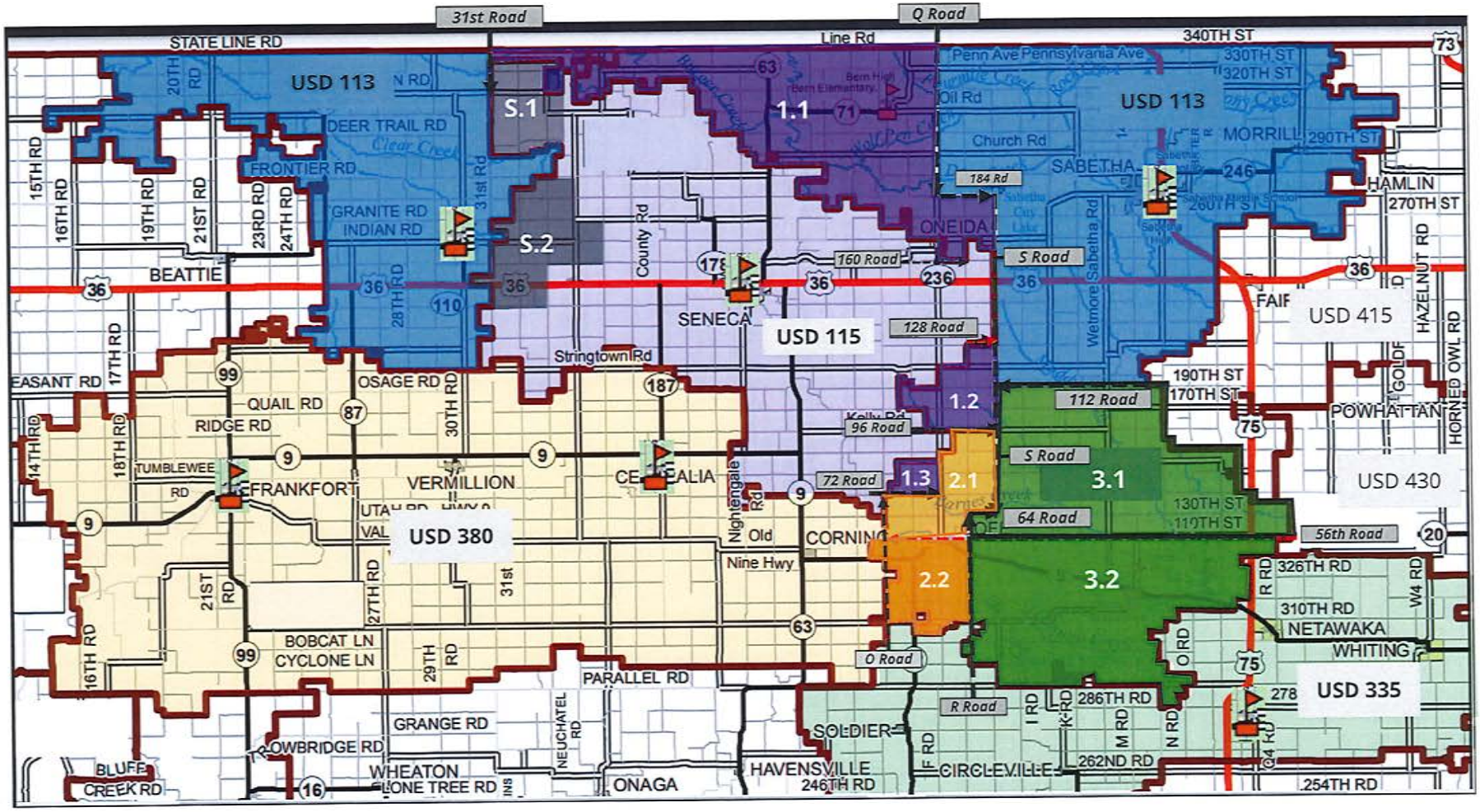
Briefly describe how each of the factors listed in subsection (d) of K.S.A. 72-532 impacts the request for transfer of territory.

The students in the petitioned area live closer to USD 380 than USD 113, and the majority of families, resident tenants, and landowners from this region prefer to transfer to USD 380.

USD 380 has been serving the petitioned area since ~2015 as school closure pressures increased in USD 113. USD 380 has not received any transportation funding or land valuation funding for these students over the past 5-7 years.

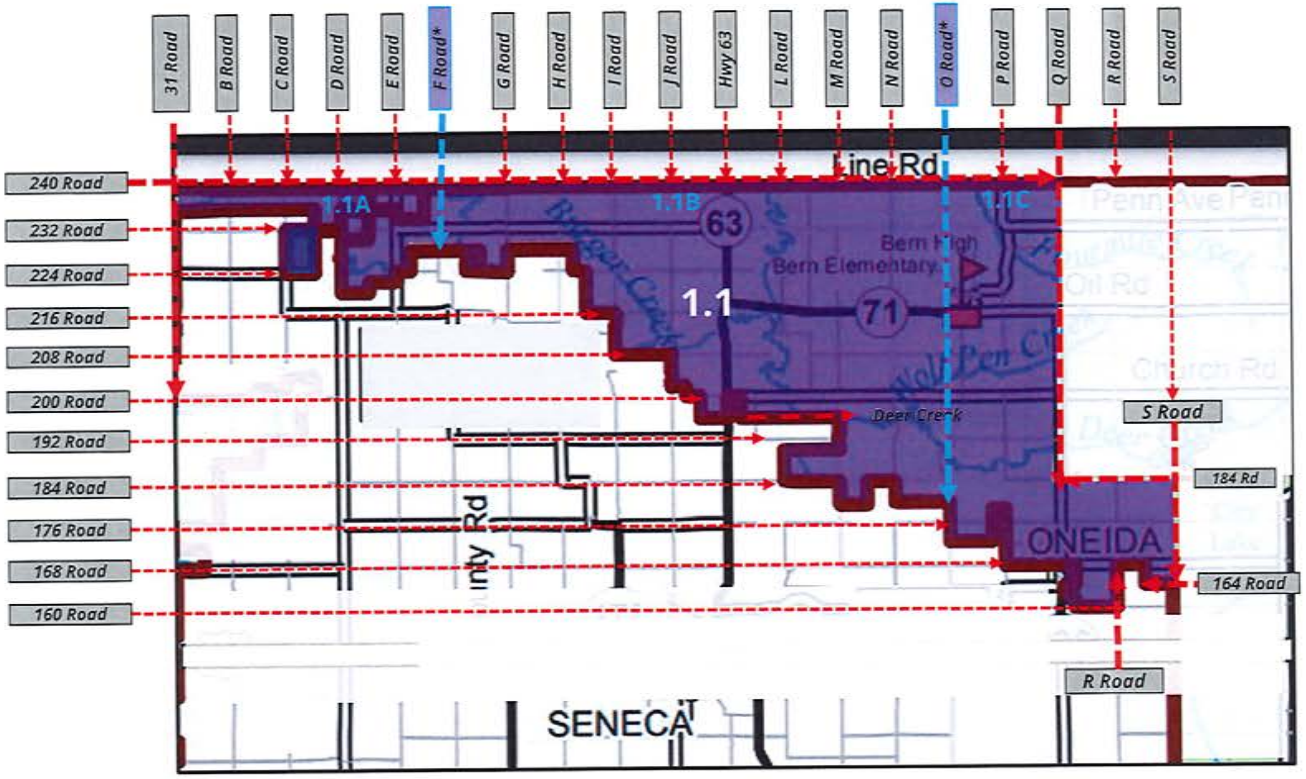
Patrons from the petitioned area have strong ties in the USD 380 district due to proximity and other social, cultural, and economic norms in the region. Traveling to USD 113 for school every day does not make geographic or economic sense for most families.

USD 113 Land Transfer Discussion – September 2023

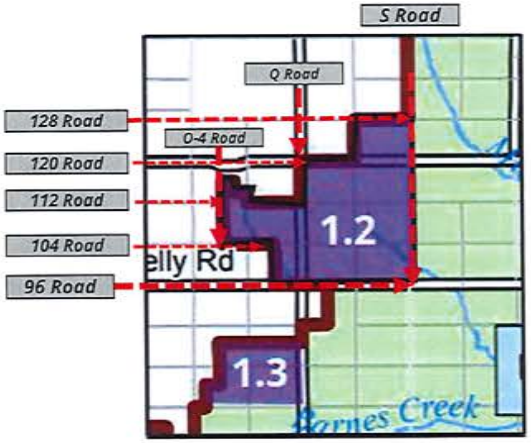


Proposed transfer from USD 113 to USD 115

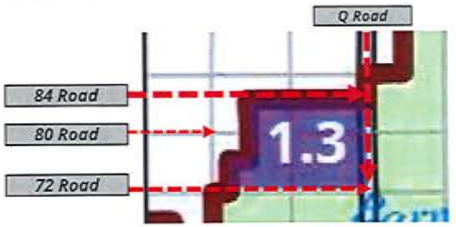
SECTION 1.1



SECTION 1.2



SECTION 1.3

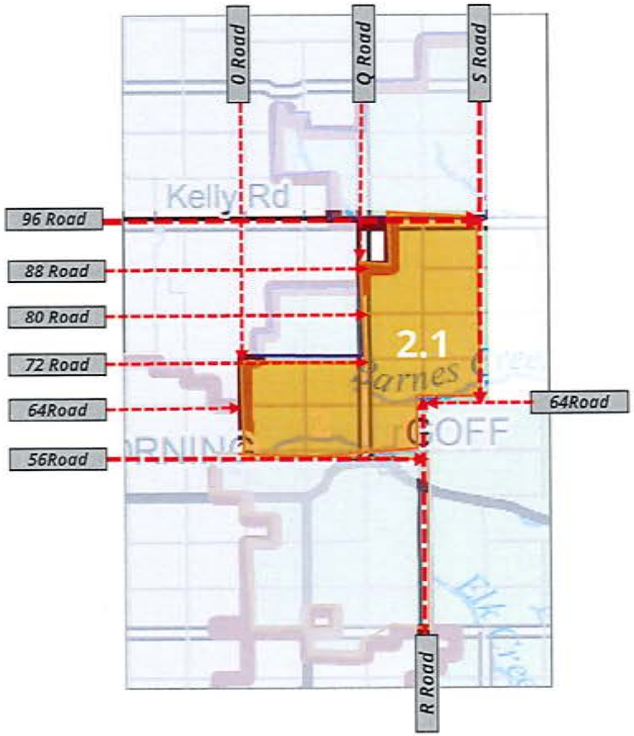


Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211

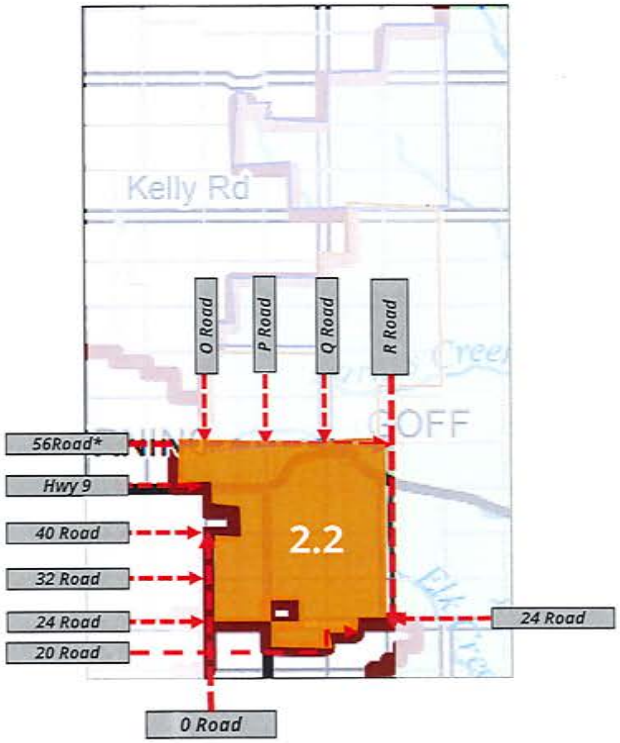
Boundaries between F Road and O Road (section 1.1B are undisputed). Subsections 1.1A (west side) and 1.1C (east side) are both disputed.

Proposed transfer from USD 113 to USD 380

SECTION 2.1



SECTION 2.2 - Undisputed

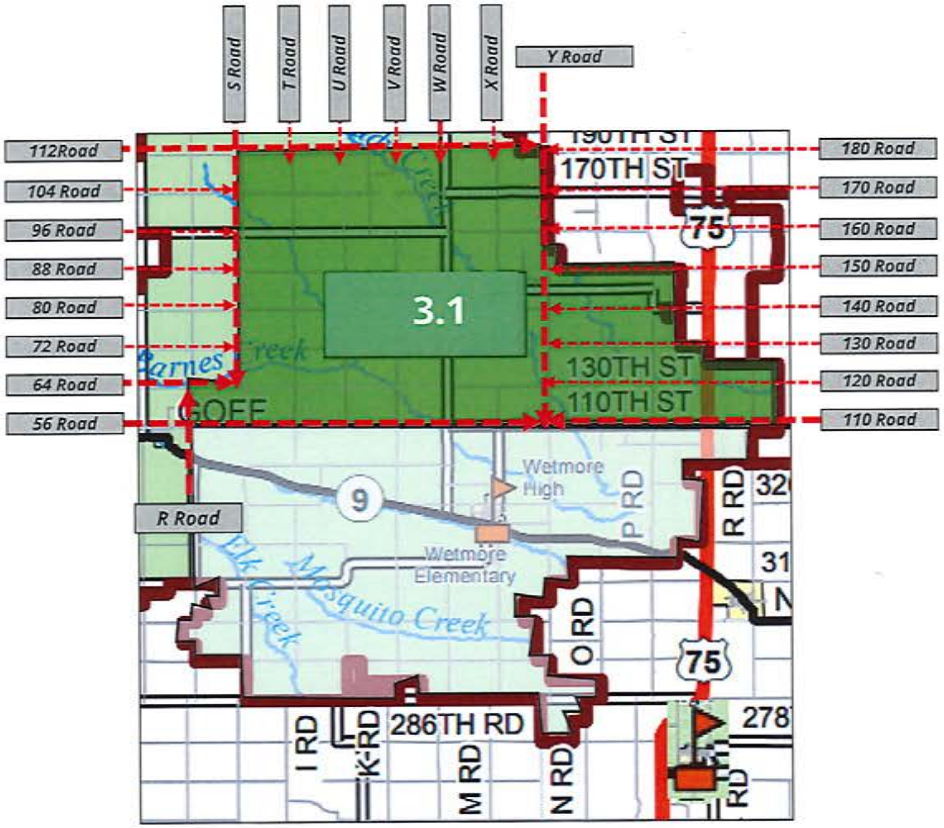


Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211

Boundaries in section 2.2 are undisputed

Proposed transfer from USD 113 to USD 335 (1 of 2)

SECTION 3.1



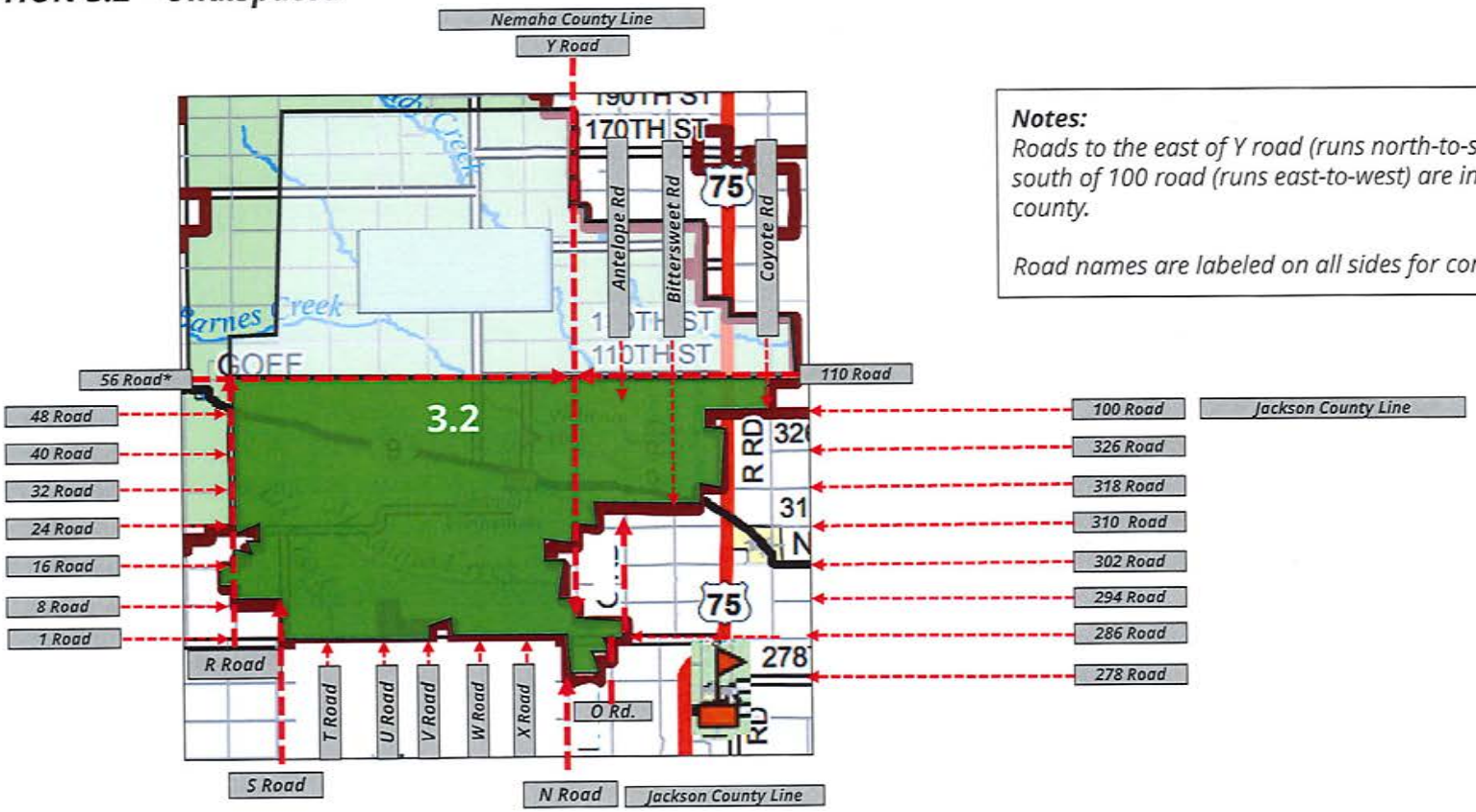
Notes:
Y road (runs north-to-south) represents the Nemaha County line. The road names on the eastern side of this line vary due to this boundary line.

Roads are labeled on the East and West sides for convenience.

Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211

Proposed transfer from USD 113 to USD 335 (2 of 2)

SECTION 3.2 – Undisputed



Notes:
Roads to the east of Y road (runs north-to-south), and south of 100 road (runs east-to-west) are in Jackson county.

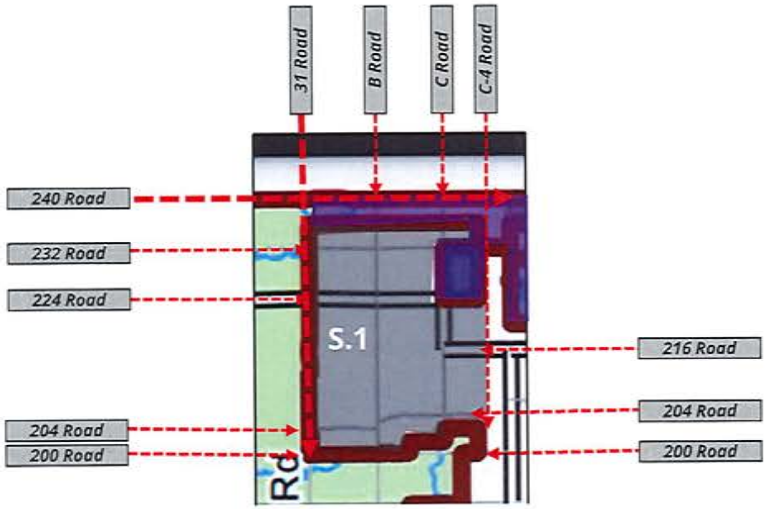
Road names are labeled on all sides for convenience.

Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211

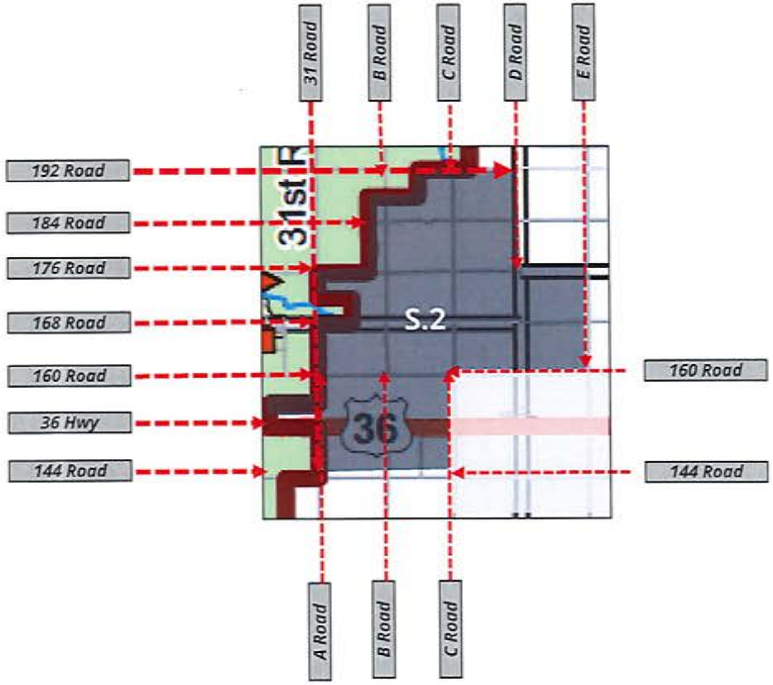
***Boundaries in section 3.2 are undisputed**

Proposed transfer from USD 115 to USD 113

SECTION S.1



SECTION S.2

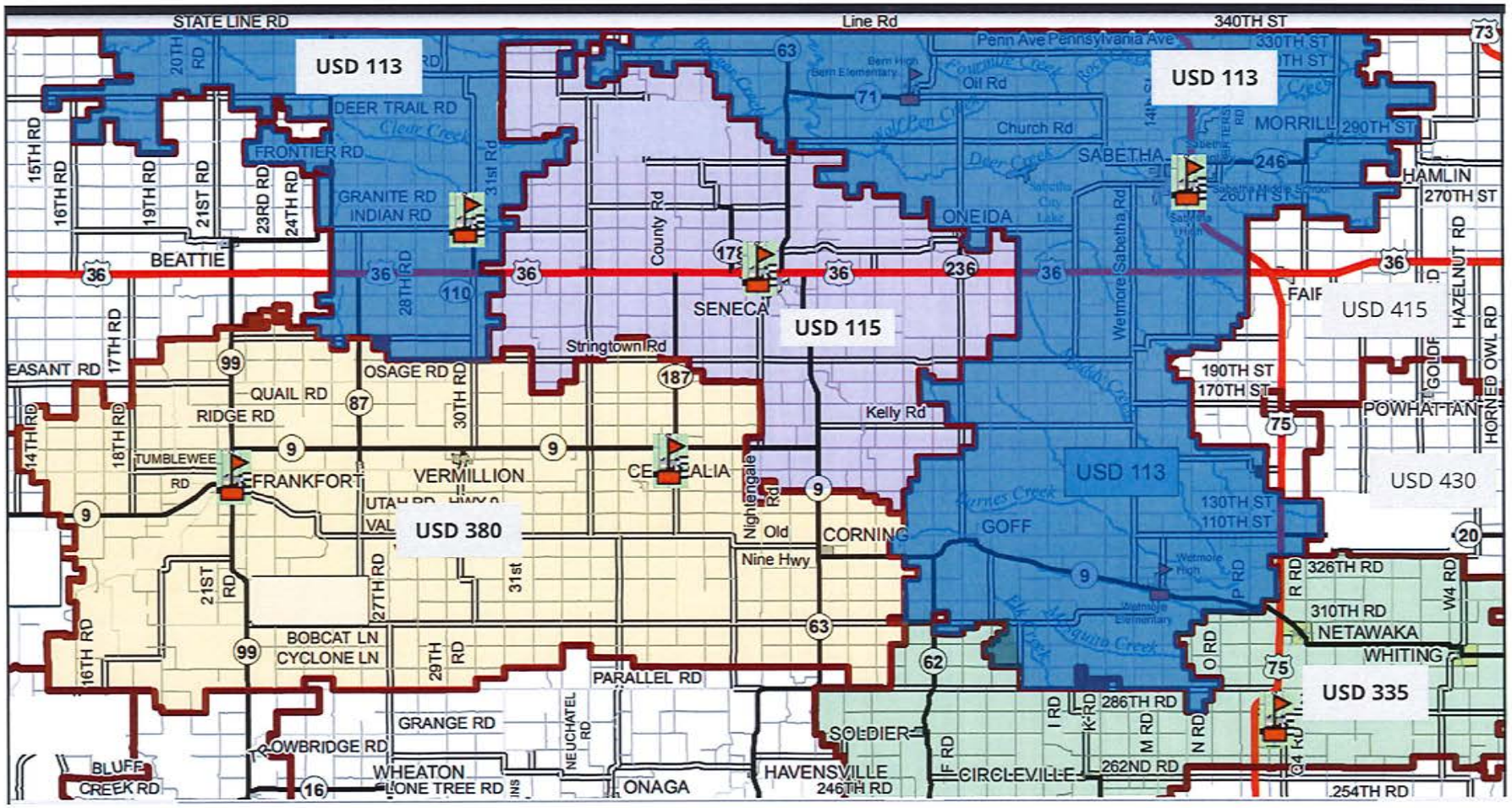


Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211

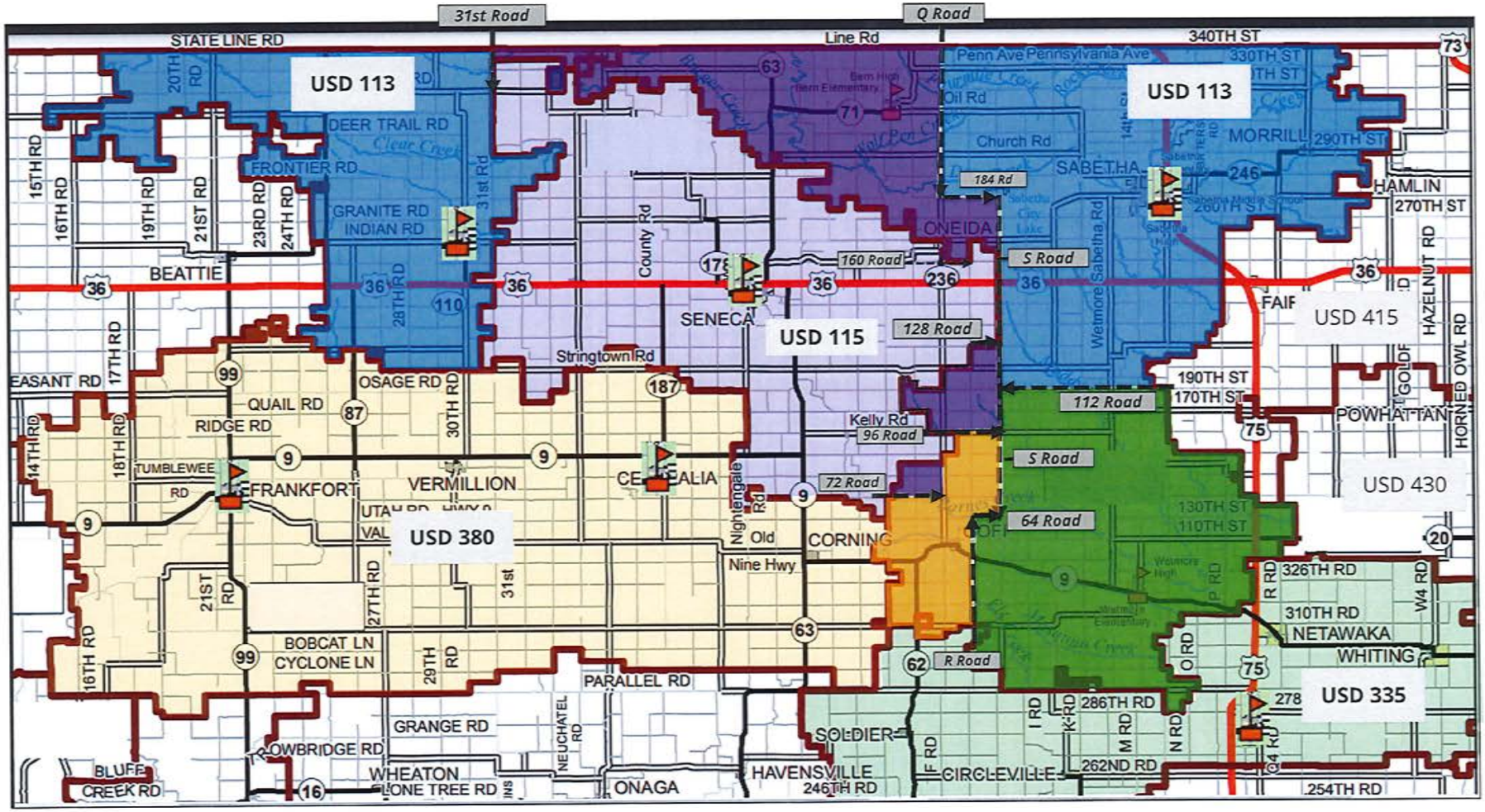
Reorganization Proposals

Side-by-side comparison

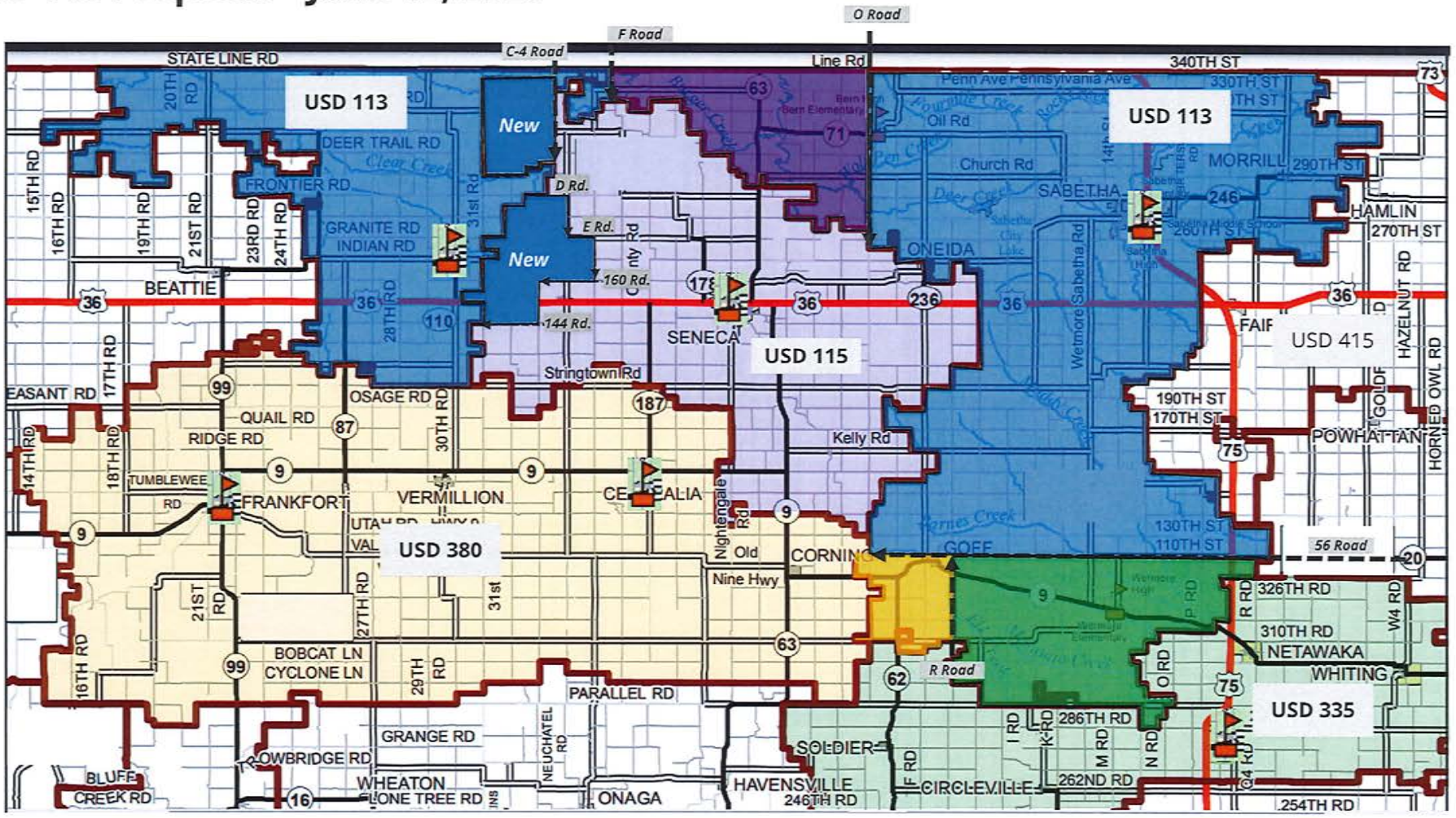
USD 113 Current District Map



USD 335, USD 380, and USD 115 Joint Proposal

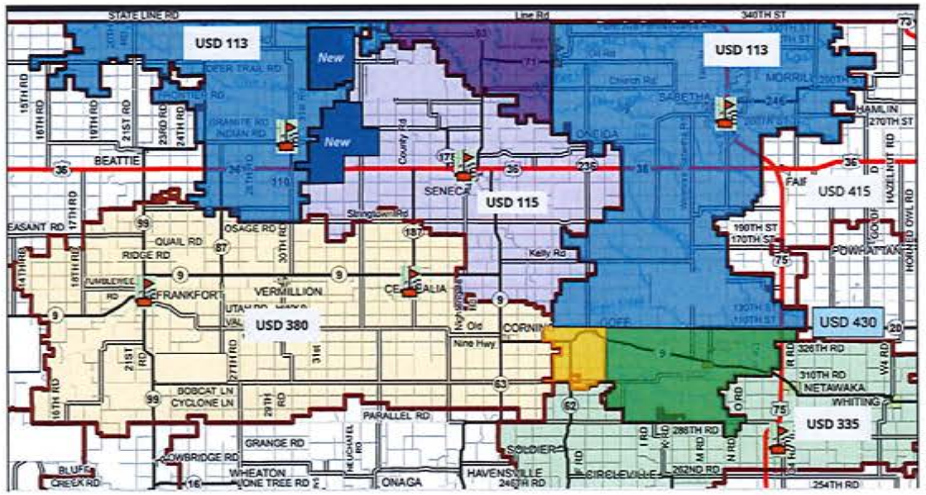


USD 113 Proposal – June 12, 2023

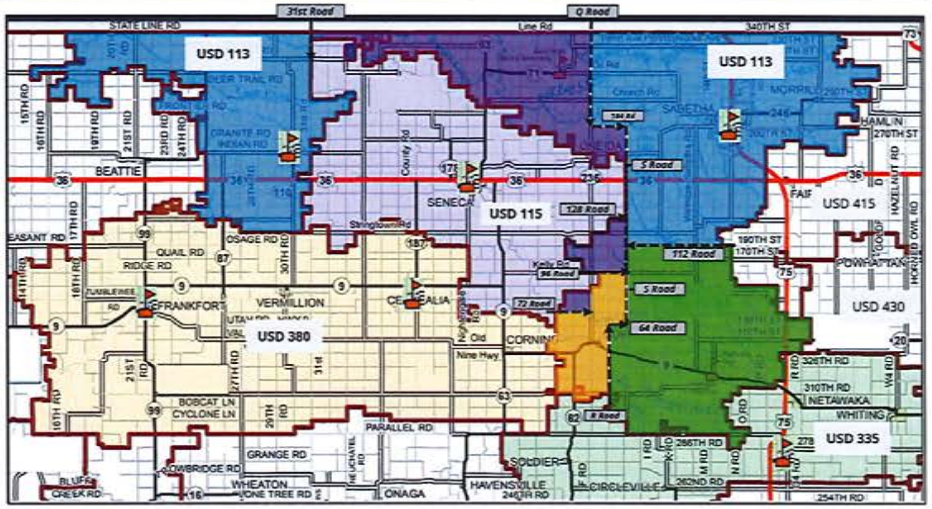


Side by side comparison

USD 113 Proposal



USD 335 / 380 / 115 Proposal



- USD 113 – Sabetha/Axtell
- USD 115 – Nemaha Central
- USD 335 – Jackson Heights
- USD 380 – Centralia/Vermillion

Jim Howard <jim.howard@jhcobras.net>

SO 66

5 messages

Jim Howard <jim.howard@jhcobras.net> Fri, Oct 6, 2023 at 11:08 AM
To: Todd Evans <evanst@usd113.org>

Could I get a copy of your S0 66?

Thanks

Todd Evans <evanst@usd113.org> Fri, Oct 6, 2023 at 11:14 AM
To: Jim Howard <jim.howard@jhcobras.net>

Hi Jim, it is not completed at this time.
[Quoted text hidden]
--

USD 113 Prairie Hills
Preparing Kids, Shaping the Future

Preparing Kids, Shaping the Future
Todd Evans

Jim Howard <jim.howard@jhcobras.net> Fri, Oct 6, 2023 at 11:18 AM
To: Todd Evans <evanst@usd113.org>

Ok, thanks for the reply.
[Quoted text hidden]

Jim Howard <jim.howard@jhcobras.net> Fri, Oct 6, 2023 at 11:20 AM
To: Todd Evans <evanst@usd113.org>

Do you have your K-12 enrollment numbers? That is probably all I need.

Thanks
[Quoted text hidden]

Jim Howard <jim.howard@jhcobras.net> Fri, Oct 6, 2023 at 12:30 PM

To: Todd Evans <evanst@usd113.org>

Certainly, I've taken the initiative to forward my complete SO 66 to foster transparency as we prepare for the upcoming mediation. It would be greatly appreciated if you could reciprocate by sharing your information once you've submitted your report, provided you are willing to do so. This collaborative exchange of information will undoubtedly enhance our mediation process and facilitate a more productive resolution.

Thanks
JH
[Quoted text hidden]

D0335_SO66_24.pdf
558K

HO EXHIBIT 2

KANSAS STATE DEPARTMENT OF EDUCATION

900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
(785) 296-3201
www.ksde.org

October 9, 2023

Larry Rute
c/o Dawn Dawson
Associates in Dispute Resolution, LLC
larry@adrmediate.com
dawn@adrmediate.com

re: Appointment of Mediator

Dear Mr. Rute,

Pursuant to K.S.A. 72-530(d), I am appointing you as the mediator to conduct mediation between petitioning school districts U.S.D. 115, U.S.D. 335, and U.S.D. 380 and responding district U.S.D. 113. The petitions to transfer territory and requests for mediation are attached to this letter. The petitioning school districts are requesting the territory transfers and therefore shall bear the cost(s) of the mediation process.

At the conclusion of mediation, please provide my office with either an agreement between the school districts that will be taken to the Kansas State Board of Education for final approval, or a letter indicating that mediation has failed to result in any such agreement. For informational purposes, I am providing you with guidance that has previously been provided to the parties to inform them of the information that must be made available to the State Board in support of any agreement to transfer territory between school boards. That guidance is attached.

The Kansas State Board of Education defers to you to determine the manner in which mediation occurs – including whether to handle all three petitions as a combined mediation or whether to mediate each petition individually. If you have any questions or concerns, please let me know.

Thank you for your assistance in this manner.

Signed,

R. Scott Gordon
General Counsel, KSDE

HO EXHIBIT 3

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of the Request to Transfer Territory from USD 113 (Prairie Hills) to USD 380 (Vermillion))

File No. 752

REQUEST FOR APPROVAL OF AGREED TRANSFER OF TERRITORY (USD 113 to USD 380) Pursuant to K.S.A. 72-532(a)(1)

This Request is made by the boards of education of USD 113 (Prairie Hills) and USD 380 (Vermillion), to the Kansas State Board of Education on this 8th day of April, 2024. As the basis for this Request, the requesting boards state:

1. This Request is made under the authority of K.S.A. 72-532(a)(1).

2. On December 5 and 6, 2024, mediation regarding the transfer of certain land from USD 113 to USD 380 was conducted pursuant to K.S.A. 72-530, resulting in the signed agreement of a mediator's proposal ("Agreed Transfer") attached as **Exhibit A**.

3. On December 11, 2024, the boards of education of USD 113 and USD 380 met in their respective regular monthly board meetings, and both boards approved the Agreed Transfer.

4. The State Board of Education is requested to transfer the territory described in the certified land description attached as **Exhibit B,** "LEGAL DESCRIPTIONS FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS NO. 113 AND NO. 380."

5. Proposed new legal descriptions for each district reflecting the transfer of land contemplated by this Request are attached hereto as **Exhibit C**. Because this Request is being submitted simultaneously with a Request for Approval of Agreed Transfer of Territory from USD 113 (Prairie Hills) to USD 335 (Jackson Heights) and in order to avoid confusion, the new legal description for USD 113 (Prairie Hills) including in Exhibit C reflects the description of USD 113's new district boundaries in the event both agreed transfers are approved by the State Board of Education.

6. The certified legal descriptions in Exhibit B and Exhibit C have utilized previous legal descriptions on file with the Kansas State Department of Education and the respective school districts. The certified legal descriptions in Exhibit B and Exhibit C have been prepared by a licensed land surveyor engaged by USD 115 and are submitted subject to final verification for accuracy by the parties and Kansas State Board of Education prior to transfer.

7. The requesting boards are of the opinion that the transfer of territory requested in this Request, if granted, would be consistent with the factors listed in subsection (d) of K.S.A. 72-532.

8. No petition for the transfer of substantially the same territory as described above has been submitted to the State Board within two years of the date of this Request.

9. The requesting boards of education have authorized their respective legal counsel to sign this Request on its behalf.

10. All exhibits are incorporated herein by reference.

Respectfully submitted,

KRIEGSHAUSER NEY LAW GROUP

By: /s/ Joshua A. Ney
Joshua A. Ney, KS Bar No. 24077
Ryan A. Kriegshauser, KS Bar No. 23942
15050 W. 138th St., Unit 4493
Olathe, KS 666063
Telephone: (785) 414-9065
josh@knlawgroup.com
ATTORNEYS FOR USD 380 (VERMILLION)

FISHER PATTERSON SAYLER & SMITH, LLP

By: /s/ David Cooper
David Cooper, KS Bar No. 16690
Fisher Patterson Sayler & Smith, LLP
3550 SW 5th Street
Topeka, Kansas 66606
Telephone: (785) 232-7761
dcooper@fpsslaw.com
ATTORNEY FOR USD 113 (PRAIRIE HILLS)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have filed and sent the foregoing REQUEST FOR APPROVAL OF AGREED TRANSFER OF TERRITORY (USD 113 to USD 380) with accompanying exhibits via electronic mail to counsel of record as follows:

Scott Gordon, General Counsel
Office of General Counsel, State Department of Education
sgordon@ksde.org
KANSAS STATE BOARD OF EDUCATION

David Cooper, Attorney
Fisher Patterson Sayler & Smith, LLP
dcooper@fpsslaw.com
COUNSEL FOR USD 113 (PRAIRIE HILLS)

Additionally, I hereby certify that I have sent original copies of the foregoing REQUEST FOR APPROVAL OF AGREED TRANSFER OF TERRITORY (USD 113 to USD 380) with accompanying exhibits via certified mail to counsel of record as follows:

Scott Gordon, General Counsel
Office of General Counsel, State Department of Education,
Landon State Office Building,
900 SW Jackson Street, Suite 102,
Topeka, Kansas 66612
KANSAS STATE BOARD OF EDUCATION

/s/ Joshua A. Ney
Joshua A. Ney, #24077

EXHIBIT A

ADR ASSOCIATES IN DISPUTE RESOLUTION, LLC
Mediation | Arbitration | System Design

www.adrmediate.com
212 SW 8th Avenue, Suite 207
Topeka, KS 66603

MEMORANDUM OF SETTLEMENT AGREEMENT

CASE CAPTION: In re Land Transfer USD 113 to USD 380

COURT: _____ CASE NUMBER: _____ DIVISION: _____

THE ABOVE REFERENCED MATTER WAS MEDIATED AND SETTLEMENT WAS REACHED THE TERMS ARE AS FOLLOWS:

Subject to approval by the Boards of Education of USD 380 and USD 113 and approval by the Kansas State Board of Education, the territory identified in the areas in the shaded areas 2.1, 2.2 and 1.3 of the attached map/diagram will be transferred from USD 113 to USD 380 effective July 1, 2024. USD 380, as the petitioning district shall bear the cost of securing the necessary boundary descriptions and abstractor certification.

The parties hereto acknowledge that each has the authority to execute this document to be fully binding on behalf of the person or entity indicated.

The parties intend this agreement to be binding and enforceable and, if necessary, this document can be introduced into evidence to enforce its terms. They further acknowledge and agree that, within a reasonable period of time hereafter they will enter into a formal settlement agreement setting forth in more detail the terms of the agreement including the amount of any and all payments and an agreement to release, discharge, and forever hold the other harmless from any and all rights and/or claims and to dismiss causes of action arising from or related to the events and transactions which are subject matter of this case.

Signed at Topeka, Kansas/ Missouri, this 6th day of December, 2023.

USD 380

USD 113

LEGAL DESCRIPTION FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS NO.113 AND NO.380.

NEMAHA COUNTY

TRANSFER TRACT (U.S.D. NO.113 TO U.S.D. NO.380)

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 4 MILES TO THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE TO THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 5 MILES TO THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 1 MILE; THENCE NORTH 2 MILES; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 4, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE; THENCE EAST ½ MILE; THENCE NORTH 2 MILES TO THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST ¼ MILE; THENCE NORTH ½ MILE; THENCE EAST ¼ MILE; THENCE NORTH 1 MILE; THENCE EAST 1 ½ MILES; THENCE NORTH ½ MILE TO THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST ½ MILE; THENCE NORTH 1 MILE; THENCE EAST 1 ½ MILES TO THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M. AND THE POINT OF BEGINNING.

THE ABOVE CONTAINS 27.61 SQUARE MILES, MORE OR LESS.

I, JESSE A. NOLL, PROFESSIONAL SURVEYOR, KANSAS LICENSE #1711, DO HEREBY CERTIFY THAT THE REVISED BOUNDARY DESCRIPTION SET FORTH ABOVE IS A TRUE AND CORRECT DESCRIPTION OF THE OFFICIAL BOUNDARY OF THE TRACT TO BE TRANSFERRED BETWEEN UNIFIED SCHOOL DISTRICT NO. 113 AND UNIFIED SCHOOL DISTRICT NO. 380 IN THE EVENT THE PROPOSED PETITION/AGREEMENT TO TRANSFER TERRITORY FROM UNIFIED SCHOOL DISTRICT NO. 113 TO UNIFIED SCHOOL DISTRICT NO. 380 IS APPROVED BY THE STATE BOARD OF EDUCATION.

LEGAL DESCRIPTION FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS NO.113, NO.335 AND NO.380.

MARSHALL, NEMAHA, BROWN, AND JACKSON COUNTIES

BEGINNING AT THE NW CORNER OF SECTION 2, T1S, R8E, THENCE EAST ALONG THE KANSAS-NEBRASKA STATE LINE 44 MILES INTO BROWN COUNTY TO THE NE CORNER OF SEC. 1-1-15, THENCE SOUTH ½ MILE, EAST TO THE CENTER OF SEC. 6-1-16, SOUTH ½ MILE, WEST TO THE SW CORNER OF SEC. 6-1-16, SOUTH ½ MILE, WEST ¼ MILE, SOUTH ½ MILE EAST ¼ MILE, SOUTH ½ MILE, EAST TO THE CENTER OF SEC. 8-1-16, NORTH ½ MILE, EAST ½ MILE, SOUTH ½ MILE EAST 1 ½ MILES, SOUTH 1 MILE TO THE CENTER OF SEC. 21-1-16, THENCE WEST 1 ½ MILES, SOUTH ½ MILE, EAST 1 MILE, SOUTH 1 MILE, WEST 1 MILE, SOUTH ½ MILE TO THE NW CORNER OF THE SW ¼ OF SEC. 32-1-16, THENCE EAST ¼ MILE, SOUTH 1 MILE, WEST ¼ MILE, NORTH ½ MILE, WEST 1 MILE, SOUTH 1 MILE TO THE SW CORNER OF SEC 6-2-16, THENCE EAST 1 ¼ MILES, SOUTH ½ MILE, WEST ¾ MILE, SOUTH 1 ½ MILES TO THE SW CORNER OF THE SE/4 OF SEC. 18-2-16, THENCE WEST 1 MILE, NORTH ½ MILE, WEST 1 ½ MILES, NORTH ½ MILE, WEST 1 MILE, SOUTH ½ MILE TO THE NE CORNER OF THE SE/4 SEC. 16-2-15, THENCE WEST 1 MILE, SOUTH 4 ½ MILES, WEST ¼ MILE, SOUTH ½ MILE, WEST ¼ MILE, SOUTH ½ MILE, WEST ½ MILE, SOUTH ½ MILE, WEST 1 MILE, SOUTH ¼ MILE, WEST ½ MILE, SOUTH ¼ MILE, WEST ¼ MILE, SOUTH ½ MILE, EAST ¼ MILE TO THE CENTER OF SEC. 24-3-14, THENCE SOUTH ½ MILE, EAST ½ MILE, SOUTH 2 ½ MILES, EAST ¼ MILE, SOUTH ½ MILE, EAST INTO BROWN COUNTY 2 ¼ MILES TO THE NW CORNER OF THE NE/4 OF SEC. 9-4-15, THENCE 1 MILE, WEST ¼ MILE, SOUTH ¼ MILE, EAST ¼ MILE, SOUTH ¾ MILE TO THE SE CORNER OF THE SW/4 OF SEC. 16-4-15, THENCE EAST APPROXIMATELY 9/16 MILE, SOUTH ½ MILE, EAST APPROXIMATELY 1 7/16 MILES TO THE CENTER OF SEC. 23-4-15, THENCE SOUTH 1 ¾ MILES, WEST ½ MILE, SOUTH ¾ MILE, WEST 1 ¼ MILES, SOUTH INTO JACKSON ½ MILE, EAST ¼ MILE, SOUTH 1 ½ MILES TO THE SE CORNER OF SEC. 9-5-15, THENCE WEST ½ MILE, SOUTH ½ MILE, WEST 2 MILES, SOUTH ½ MILE, WEST ½ MILE TO THE SE CORNER OF SEC. 13-5-14, THENCE SOUTH ½ MILE, WEST ½ MILE, SOUTH ½ MILE, EAST ¼ MILE, SOUTH 1 MILE, EAST ¼ MILE TO THE SE CORNER OF SEC. 25-5-14, THENCE SOUTH ½ MILE, EAST 1 MILE, SOUTH ½ MILE, WEST APPROXIMATELY ¼ MILE TO THE NE CORNER OF SEC. 6-6-15, THENCE SOUTH ½ MILE, WEST ¼ MILE, SOUTH ½ MILE, WEST ¾ MILE, NORTH 1 MILE, WEST ALONG THE NEMAHA-JACKSON COUNTY LINE APPROXIMATELY 2 ¼ MILES TO THE SW CORNER OF THE SE/4 OF SEC. 34-5-14, THENCE NORTH ½ MILE, WEST 1 ¼ MILES, NORTH ½ MILE, WEST ¼ MILE, SOUTH ¾ MILE, EAST 1 MILE, SOUTH ¼ MILE TO THE SE CORNER OF SEC. 33-5-14, THENCE WEST ALONG THE COUNTY LINE 3 MILES, NORTH 1 MILE, WEST 1 MILE, NORTH ½ MILE, WEST ¼ MILE, NORTH ½ MILE, EAST ¼ MILE TO THE NW CORNER OF SEC. 25-5-13, THENCE NORTH ¼ MILE, EAST ¼ MILE, NORTH ¼ MILE, EAST ¼ MILE, NORTH ½ MILE, WEST 1 MILE TO THE NE CORNER OF THE NW/4 OF SEC. 23-5-13, THENCE SOUTH ¼ MILE, WEST ½ MILE, SOUTH ¼ MILE, WEST 1 MILE, NORTH ½ MILE, EAST 1/2 MILE, NORTH ½ MILE TO THE CENTER OF SEC. 15-5-13, THENCE WEST ½ MILE, SOUTH ½ MILE, WEST 1 MILE, NORTH 2 MILES, EAST ½ MILE, NORTH ½ MILE TO THE CENTER OF SEC. 4-5-13, THENCE WEST ½ MILE, NORTH ½

MILE, WEST ½ MILE, NORTH 1 MILE, EAST ½ MILE, NORTH 2 MILES TO THE NW CORNER OF SEC 21-4-13, THENCE EAST ¼ MILE, NORTH ½ MILE, EAST ¼ MILE, NORTH 1 MILE, EAST 1 ½ MILES, NORTH ½ MILE TO THE NW CORNER OF SEC. 11-4-13, THENCE EAST ½ MILE, NORTH 1 MILE TO THE NW CORNER OF SEC. 11-4-13, THENCE EAST ½ MILE, NORTH 1 MILE, WEST 1 MILE, NORTH 1 MILE, WEST 1 MILE, NORTH 1 ½ MILES TO THE CENTER OF SEC. 21-3-13, THENCE EAST ¼ MILE, SOUTH ¼ MILE, EAST ¼ MILE, SOUTH ¼ MILE, EAST 1 MILE, NORTH 1 MILE TO THE NW CORNER OF SEC. 23-3-13, THENCE EAST 1 MILE, NORTH 1 MILE, EAST 1 MILE, NORTH 4 ½ MILES, WEST ½ MILE, NORTH ½ MILE, WEST ½ MILE, SOUTH 1 MILE TO THE SE CORNER OF SEC. 23-2-13, THENCE WEST ¾ MILE, NORTHWESTERLY ALONG THE PUBLIC ROAD TO THE EAST-WEST CENTER LINE OF SEC. 23-2-13, EAST TO THE NW CORNER OF THE E/2 OF THE SW/4 OF SAID SEC. 23, NORTH ½ MILE, WEST 1 ¼ MILES, NORTH 1 ¼ MILES, WEST ¼ MILE, SOUTH ¾ MILE, WEST ¾ MILE TO THE NW CORNER OF THE SW/4 OF SEC. 16-2-13, THENCE NORTH 1 MILE, WEST 1 MILE, NORTH ½ MILE, WEST ½ MILE, SOUTH ½ MILE, WEST ½ MILE, NORTH ½ MILE TO THE NW CORNER OF SEC. 7-2-13, THENCE WEST 1 MILE, NORTH ¾ MILE, EAST 1 MILE, NORTH ¾ MILE, WEST 1 ¾ MILES, NORTH ½ MILE, WEST ¼ MILE TO THE SW CORNER OF SEC. 26-1-12, THENCE SOUTH ½ MILE, WEST ½ MILE, NORTH ½ MILE, WEST ¼ MILE, NORTH ¼ MILE, WEST ¼ MILE, NORTH ¾ MILE TO THE NW CORNER OF SEC. 27-1-12, THENCE WEST 1 MILE, NORTH 1 MILE, WEST ½ MILE, NORTH 1 MILE, WEST ¼ MILE, NORTH ½ MILE, WEST 1 ¼ MILES TO THE NW CORNER OF THE SW/4 OF SEC. 7-1-12, THENCE SOUTH ½ MILE, WEST ¾ MILE, NORTH ¼ MILE, EAST ¼ MILE, NORTH ¼ MILE TO THE CENTER OF SEC. 12-1-11, THENCE WEST 1 ¼ MILES, SOUTH ½ MILE, WEST ¼ MILE, SOUTH ¼ MILE, WEST ½ MILE, SOUTH ¼ MILE TO THE CENTER OF SEC. 15-1-11, THENCE WEST ½ MILE, NORTH 1 ¼ MILES, EAST ½ MILE, NORTH 1 ¼ MILES, EAST 1 MILE TO THE NW CORNER OF THE NE/4 OF SEC. 2-1-11, THENCE SOUTH ¾ MILE, WEST ½ MILE, NORTH ¼ MILE, WEST 1 MILE, SOUTH ½ MILE, WEST 1 MILE TO THE SW CORNER OF SEC. 4-1-11, THENCE SOUTH 1 MILE, EAST ½ MILE, NORTH 1 ½ MILES, WEST 2 ½ MILES, SOUTH ALONG THE MARSHALL-NEMAHA COUNTY LINE 4 ½ MILES TO THE SW CORNER OF SEC. 30-1-11, THENCE EAST 1 ½ MILES INTO NEMAHA COUNTY, NORTH ¼ MILE, EAST ½ MILE, NORTH ¼ MILE, EAST ½ MILE, SOUTH ½ MILE TO THE SW CORNER OF THE SE/4 OF SEC.28-1-11, THENCE WEST ¼ MILE, SOUTH 1 MILE, WEST ¾ MILE, SOUTH ½ MILE, WEST ¾ MILE, SOUTH 1 ½ MILES, WEST ¾ MILE TO THE SW CORNER OF SEC. 7-2-11, THENCE SOUTH ½ MILE, EAST ½ MILE, SOUTH ½ MILE, WEST ½ MILE, SOUTH ALONG THE COUNTY LINE 1 ½ MILES, WEST ¾ MILE, SOUTH ½ MILE, EAST ¾ MILE TO THE SE CORNER OF SEC. 25-2-10, THENCE SOUTH ALONG THE COUNTY LINE 1 MILE, WEST ½ MILE, SOUTH 1 MILE, EAST ½ MILE, SOUTH ½ MILE, WEST ½ MILE TO THE CENTER OF SEC. 12-3-10, THENCE SOUTH 1 ½ MILES, WEST 3 ½ MILES, NORTH ½ MILE, WEST ½ MILE, NORTH ¼ MILE, EAST ½ MILE, EAST ½ MILE, NORTH ¼ MILE TO THE NE CORNER OF SEC. 17-3- 10, THENCE WEST 1 ½ MILES, SOUTH ½ MILE, WEST ½ MILE, NORTH ½ MILE, WEST ½ MILE, NORTH ½ MILE TO THE CENTER OF SEC. 12-3-9, THENCE WEST ½ MILE, NORTH ½ MILE, EAST 1 MILE, NORTH ½ MILE, WEST ½ MILE TO THE CENTER OF SEC. 1-3-9, NORTH ½ MILE, EAST ½ MILE, NORTH 3 MILES TO THE SW CORNER OF 18-2-10 (MARSHALL CO.), WEST ½ MILE, NORTH 2 ½ MILES TO THE

CENTER OF SEC. 1-2-9, THENCE EAST ½ MILE, NORTH ¼ MILE, WEST ½ MILE, SOUTH ¼ MILE, WEST ½ MILE, NORTH ½ MILE TO THE NE CORNER OF SEC. 2-2-9, THENCE WEST 2 MILES, NORTH 1 MILE, EAST ½ MILE, NORTH ¾ MILE, EAST ½ MILE, SOUTH ¼ MILE, EAST ½ MILE TO THE CENTER OF SEC. 26-1-9, THENCE SOUTH ½ MILE, EAST 1 ¼ MILE, NORTH ½ MILE, EAST ¼ MILE, NORTH ½ MILE, WEST 1 ½ MILES TO THE SW CORNER OF THE SE/4 OF SEC. 23-1-9, THENCE NORTH ½ MILE, WEST ¼ MILE, NORTH ½ MILE, WEST ¼ MILE, SOUTH 1 MILE, WEST ½ MILE, NORTH ½ MILE TO THE CENTER OF SEC. 22-1-9, THENCE WEST 1 MILE, NORTH 1 MILE, WEST 1 MILE, SOUTH ½ MILE, WEST ½ MILE TO THE SE CORNER OF SEC. 18-1-9, THENCE NORTH ¼ MILE, WEST ½ MILE, SOUTH ¼ MILE, WEST ½ MILE, SOUTH 2 MILES, EAST ½ MILE, SOUTH ½ MILE TO THE CENTER OF SEC.31-1-9, THENCE WEST 1 ¼ MILES, NORTH ½ MILE, WEST ¾ MILES, NORTH 1 MILE, WEST ½ MILE, SOUTH 1 MILE TO THE SE CORNER OF SEC. 27-1-8, THENCE WEST 1 MILE, NORTH 1 MILE, EAST ½ MILE, NORTH ½ MILE, EAST ½ MILE, NORTH ½ MILE TO THE NE CORNER OF SEC. 22-1-3, THENCE WEST 1 ½ MILES, SOUTH ½ MILE, WEST ½ MILE, NORTH 1 MILE, EAST 2 MILES, NORTH ¼ MILE, EAST 1 MILE, NORTH ¼ MILE TO THE NE CORNER OF SEC. 14-1-3, THENCE WEST ½ MILE, NORTH 1 MILE, WEST ½ MILE, NORTH 1 MILE TO THE POINT OF BEGINNING.

EXCEPT (TRACT TO BE TRANSFERRED TO USD NO.335)

BEGINNING AT THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 8 ¼ MILES TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER SECTION 16, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH ¼ MILE; THENCE EAST ¼ MILE; THENCE SOUTH ¾ MILE TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE EAST APPROXIMATELY 9/16 MILE TO HIGHWAY 75; THENCE SOUTH ½ MILE ALONG SAID HIGHWAY 75; THENCE EAST APPROXIMATELY 1 7/16 MILES TO THE CENTER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH 1 ¾ MILES; THENCE WEST ½ MILE; THENCE SOUTH ¾ MILE TO THE BROWN AND JACKSON COUNTY LINE; THENCE WEST 1 ¼ MILES ALONG SAID COUNTY LINE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE; THENCE SOUTH 1 ½ MILES TO THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 2 MILES; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE; THENCE SOUTH 1 MILE; THENCE EAST ¼ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE EAST 1 MILE; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE TO THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 6 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ½ MILE; THENCE WEST ¾ MILE;

THENCE NORTH 1 MILE TO THE NEMAHA AND JACKSON COUNTY LINE; THENCE WEST 2 ¼ MILES ALONG SAID COUNTY LINE TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE NORTH ½ MILE; THENCE WEST 1 ¼ MILES; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ¾ MILE; THENCE EAST 1 MILE; THENCE SOUTH ¼ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE WEST 3 MILES ALONG SAID COUNTY LINE; THENCE NORTH 1 MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE NORTH ½ MILE; THENCE EAST ¼ MILE TO THE NORTHWEST CORNER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH ¼ MILE; THENCE EAST ¼ MILE; THENCE NORTH ¼ MILE; THENCE EAST ¼ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE TO THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH 5 MILES TO THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 1 MILE TO THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH 2 MILES TO THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M. AND THE POINT OF BEGINNING.

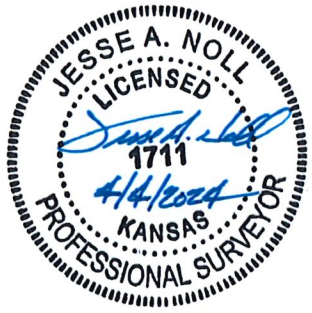
ALSO, EXCEPT (TRACT TO BE TRANSFERRED TO USD NO.380)

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 4 MILES TO THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE TO THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 5 MILES TO THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 1 MILE; THENCE NORTH 2 MILES; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 4, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE; THENCE EAST ½ MILE; THENCE NORTH 2 MILES TO THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST ¼ MILE; THENCE NORTH ½ MILE; THENCE EAST ¼ MILE; THENCE NORTH 1 MILE; THENCE EAST 1 ½ MILES; THENCE NORTH ½ MILE TO THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST ½ MILE; THENCE NORTH 1 MILE; THENCE EAST 1 ½ MILES TO THE SOUTHEAST CORNER OF

SECTION 36, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M. AND THE POINT OF BEGINNING.

THE ABOVE CONTAINS 412.60 SQUARE MILES, MORE OR LESS.

I, JESSE A. NOLL, PROFESSIONAL SURVEYOR, KANSAS LICENSE #1711, DO HEREBY CERTIFY THAT THE REVISED BOUNDARY DESCRIPTION SET FORTH ABOVE IS A TRUE AND CORRECT DESCRIPTION OF THE OFFICIAL BOUNDARY OF UNIFIED SCHOOL DISTRICT NO. 113 IN THE EVENT THE PROPOSED PETITION/AGREEMENT TO TRANSFER TERRITORY FROM UNIFIED SCHOOL DISTRICT NO. 113 TO UNIFIED SCHOOL DISTRICTS NO. 335 AND NO. 380 ARE APPROVED BY THE STATE BOARD OF EDUCATION.



LEGAL DESCRIPTIONS FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS 113 AND 380

MARSHALL, NEMAHA, AND POTTAWATOMIE COUNTIES

NEW DISTRICT BOUNDARY USD 380

BEGINNING AT THE NE CORNER OF SECTION 6, T4S, R8E; THENCE EAST ½ MILE, NORTH 1 MILE, EAST ½ MILE, SOUTH ½ MILE, *EAST 1 MILE, NORTH 1½ MILES TO THE NW CORNER OF SEC. 27-3-8; THENCE EAST 1 MILE, SOUTH 1 MILE, EAST 1 MILE, NORTH 2 MILES, EAST 1 MILE, NORTH 1 MILE, EAST 2 MILES TO THE SE CORNER OF SEC. 8-3-9*; THENCE NORTH ½ MILE, EAST 1 3/4 MILES, NORTH ¼ MILE, WEST 3/4 MILE, NORTH ¼ MILE, EAST ½ MILE TO THE SW CORNER OF THE SE¼ OF SEC. 3-3-9; THENCE NORTH ¼ MILE, EAST ½ MILE, NORTH ¼ MILE, EAST ½ MILE, SOUTH ½ MILE, WEST ½ MILE TO THE SW CORNER OF SEC. 2-3-9; THENCE SOUTH ¼ MILE, EAST ½ MILE, SOUTH ¼ MILE, EAST 1 MILE, SOUTH ½ MILE, EAST ½ MILE TO THE NE CORNER OF SEC. 13-3-9; THENCE SOUTH ½ MILE, EAST ½ MILE, NORTH ½ MILE, EAST 1½ MILES, SOUTH ¼ MILE, WEST ½ MILE, SOUTH ¼ MILE, TO THE CENTER OF SEC. 17-3-10; THENCE EAST ½ MILE, SOUTH ½ MILE, EAST 4 MILES, NORTH ALONG THE MARSHALL-NEMAHA COUNTY LINE ½ MILE, EAST 1 MILE INTO NEMAHA COUNTY, SOUTH 2 MILES TO THE NE CORNER OF THE SE¼ OF SEC. 30-3-11; THENCE EAST 1 MILE, NORTH ½ MILE, EAST ½ MILE, NORTH 1 MILE, EAST 1 MILE, NORTH ½ MILE, TO THE CENTER OF SEC. 15-3-11; THENCE EAST ½ MILE, NORTH ½ MILE, EAST 1 MILE, SOUTH ½ MILE, EAST ½ MILE, SOUTH ½ MILE TO THE SW CORNER OF THE SE¼ OF SEC. 13-3-11; THENCE EAST 1 MILE, SOUTH ½ MILE, EAST 1/2 MILE, SOUTH ½ MILE, EAST 2 MILES, #SOUTH 2½ MILES, WEST ½ MILE TO THE CENTER OF SEC. 4-4-12#; **THENCE SOUTH 3 MILES, EAST 1 MILE, NORTH ¼ MILE, WEST ¼ MILE, NORTH ¼ MILE, WEST ¼ MILE TO THE SW CORNER OF SEC. 15-4-12, THENCE NORTH ½ MILE, EAST ½ MILE, SOUTH ½ MILE, EAST 3 MILES, SOUTH ¼ MILE, EAST ½ MILE, SOUTH ¼ MILE, EAST ½ MILE TO THE CENTER OF SEC. 20-4-13; THENCE SOUTH ½ MILE, EAST ½ MILE, SOUTH 1 MILE, WEST ½ MILE, SOUTH 1 MILE, EAST ½ MILE TO THE SE CORNER OF SEC. 32-4-13; THENCE SOUTH ½ MILE, EAST ½ MILE, SOUTH ½ MILE, WEST ½ MILE, SOUTH 1 3/4 MILES, WEST ½ MILE, SOUTH ¼ MILE, EAST ½ MILE TO THE SE CORNER OF SEC. 17- 5-13; THENCE SOUTH 1 MILE, WEST ½ MILE, SOUTH 2 MILES, WEST ALONG THE NEMAHA-JACKSON COUNTY LINE 1½ MILES , NORTH 1 MILE, WEST 7½ MILES**, NORTH ½ MILE, TO THE CENTER OF SEC. 26-5-11; THENCE WEST 1½ MILES, NORTH ½ MILE, WEST 1 MILE, SOUTH 1 MILE, WEST 2 MILES, ##SOUTH ALONG THE MARSHALL-NEMAHA COUNTY LINE ½ MILE TO THE NE CORNER OF THE SE¼ OF SEC. 36-5-10; THENCE WEST 1 MILE, SOUTH ½ MILE, WEST ALONG THE MARSHALL-POTTAWATOMIE COUNTY LINE 5 MILES, NORTH ½ MILE, WEST 1 MILE, SOUTH ½ MILE TO THE SW CORNER OF SEC. 36-5-9; THENCE WEST ALONG THE COUNTY LINE 3½ MILES##, SOUTH INTO POTTAWATOMIE COUNTY 1 MILE, WEST 1½ MILES, NORTH ¼ MILE, WEST ¼ MILE, NORTH 3/4 MILE, WEST ALONG THE COUNTY LINE 3 3/4 MILES TO THE SW CORNER OF SEC. 33-5-8; THENCE NORTH 2½ MILES, EAST 1 MILE, NORTH 1½ MILES, WEST ¼ MILE, NORTH 1 MILE, EAST ½ MILE TO THE SE

CORNER OF THE W½ OF THE SW¼ OF SEC. 3-5-8; THENCE NORTH ½ MILE, WEST ¼ MILE, NORTH ½ MILE, WEST ½ MILE, CONTINUE WEST 208.71 FEET, NORTH 208.71 FEET, EAST 208.71 FEET, NORTH TO THE CENTER OF SEC. 33-4-8; THENCE EAST ½ MILE, NORTH 1 MILE, WEST ½ MILE, NORTH ½ MILE, WEST ½ MILE TO THE SW CORNER OF SEC. 21-4-8; THENCE NORTH 1½ MILES, WEST ½ MILE, NORTH ½ MILE, WEST ½ MILE, NORTH 2 MILES, TO THE POINT OF BEGINNING.

* TRANSFER OF TERRITORY FROM U.S.D. #364 TO U.S.D. #380 7/28/66 FILE #169

** TRANSFER OF TERRITORY FROM U.S.D. #442 TO U.S.D. #380 3/14/68 FILE #371

\# TRANSFER OF TERRITORY FROM U.S.D. #442 TO U.S.D. #380 3/14/68 FILE #81

ATTACHMENT OF LILLIS DISTRICT 1/24/68

AND (TRACT TRANSFERRED FROM USD 113)

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 4 MILES TO THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE TO THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 5 MILES TO THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 1 MILE; THENCE NORTH 2 MILES; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 4, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE; THENCE EAST ½ MILE; THENCE NORTH 2 MILES TO THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST ¼ MILE; THENCE NORTH ½ MILE; THENCE EAST ¼ MILE; THENCE NORTH 1 MILE; THENCE EAST 1 ½ MILES; THENCE NORTH ½ MILE TO THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST ½ MILE; THENCE NORTH 1 MILE; THENCE EAST 1 ½ MILES TO THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M. AND THE POINT OF BEGINNING.

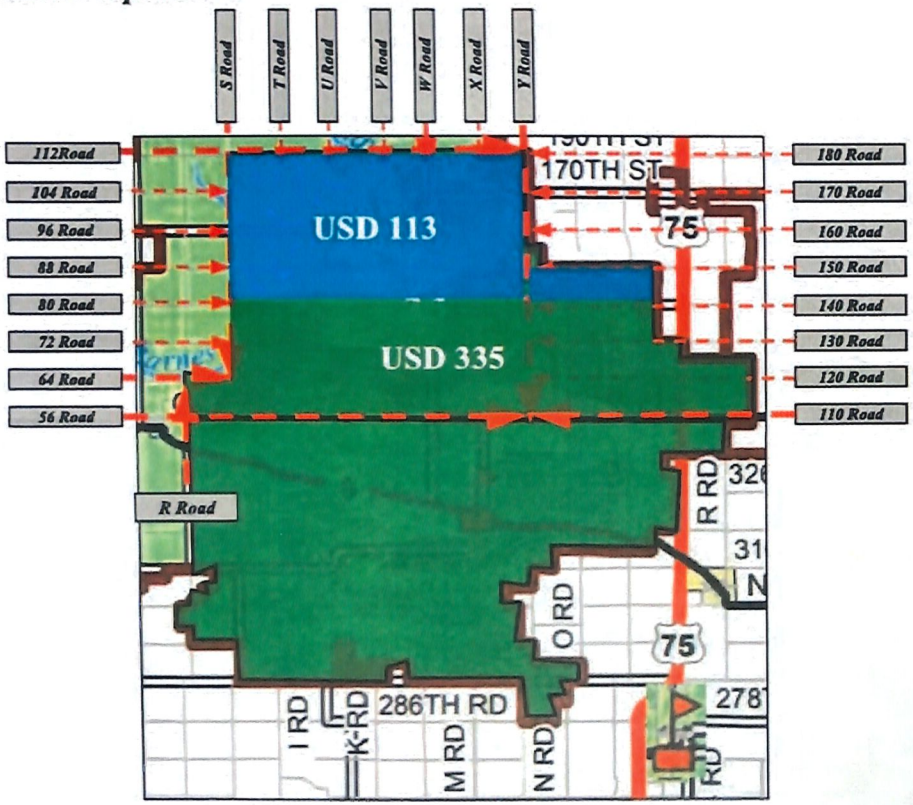
THE ABOVE CONTAINS 431.11 SQUARE MILES, MORE OR LESS.

I, JESSE A. NOLL, PROFESSIONAL SURVEYOR, KANSAS LICENSE #1711, DO HEREBY CERTIFY THAT THE REVISED BOUNDARY DESCRIPTION SET FORTH ABOVE IS A TRUE AND CORRECT DESCRIPTION OF THE OFFICIAL BOUNDARY OF UNIFIED SCHOOL DISTRICT NO. 380 IN THE EVENT THE PROPOSED PETITION/AGREEMENT TO TRANSFER TERRITORY FROM UNIFIED SCHOOL DISTRICT NO. 113 TO UNIFIED SCHOOL DISTRICT NO. 380 IS APPROVED BY THE STATE BOARD OF EDUCATION.

USD No. 113 Answer Exhibit 3

Proposed transfer from USD 113 to USD 335 – Mediated Proposal

Mediated Proposal 5.0



Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211

HO EXHIBIT
tabbies
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BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of the Request to Transfer Territory from USD 113 (Prairie Hills) to USD 335 (Jackson Heights))

File No. 753

REQUEST FOR APPROVAL OF AGREED TRANSFER OF TERRITORY FROM USD 113 to USD 335 Pursuant to K.S.A. 72-532(a)(1)

This Request is made by the boards of education of USD 113 (Prairie Hills) and USD 335 (Jackson Heights), to the Kansas State Board of Education on this 8th day of April, 2024. As the basis for this Request, the requesting boards state:

1. This request is made under the authority of K.S.A. 72-532(a)(1).

2. On December 5 and 6, 2024, mediation regarding the transfer of certain land from USD 113 to USD 335 was conducted pursuant to K.S.A. 72-530, resulting in the signed agreement of a mediator's proposal ("Agreed Transfer") attached as **Exhibit A**.

3. On December 11, 2024, the boards of education of USD 113 and USD 335 met in their respective regular monthly board meetings, and both boards approved the Agreed Transfer.

4. The State Board of Education is requested to transfer the territory described in the certified land description attached as **Exhibit B,** "LEGAL DESCRIPTIONS FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS NO. 113 AND NO. 335."

5. Proposed new legal descriptions for each district reflecting the transfer of land contemplated by this Request are attached hereto as **Exhibit C**. Because this Request is being submitted simultaneously with a Request for Approval of Agreed Transfer of Territory from USD 113 (Prairie Hills) to USD 380 (Vermillion) and in order to avoid confusion, the new legal description for USD 113 (Prairie Hills) including in Exhibit C reflects the description of USD 113's new district boundaries in the event both agreed transfers are approved by the State Board of Education.

6. The certified legal descriptions in Exhibit B and Exhibit C have utilized previous legal descriptions on file with the Kansas State Department of Education and the respective school districts. The certified legal descriptions in Exhibit B and Exhibit C have been prepared by a licensed land surveyor engaged by USD 115 and are submitted subject to final verification for accuracy by the parties and Kansas State Board of Education prior to transfer.

7. The requesting boards are of the opinion that the transfer of territory requested in this Request, if granted, would be consistent with the factors listed in subsection (d) of K.S.A. 72-532.

8. No petition for the transfer of substantially the same territory as described above has been submitted to the State Board within two years of the date of this Request.

9. The requesting boards of education have authorized their respective legal counsel to sign this Request on its behalf.

10. All exhibits are incorporated herein by reference.

Respectfully submitted,

KRIEGSHAUSER NEY LAW GROUP

By: /s/ Joshua A. Ney
Joshua A. Ney, KS Bar No. 24077
Ryan A. Kriegshauser, KS Bar No. 23942
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ATTORNEYS FOR USD 335 (JACKSON HEIGHTS)

FISHER PATTERSON SAYLER & SMITH, LLP

By: /s/ David Cooper
David Cooper, KS Bar No. 16690
Fisher Patterson Sayler & Smith, LLP
3550 SW 5th Street
Topeka, Kansas 66606
Telephone: (785) 232-7761
dcooper@fpsslaw.com
ATTORNEY FOR USD 113 (PRAIRIE HILLS)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on April 8, 2024, I have filed and sent the foregoing REQUEST FOR APPROVAL OF AGREED TRANSFER OF TERRITORY (USD 113 to USD 335) with accompanying exhibits via electronic mail to counsel of record as follows:

Scott Gordon, General Counsel
Office of General Counsel, State Department of Education
sgordon@ksde.org
KANSAS STATE BOARD OF EDUCATION

David Cooper, Attorney
Fisher Patterson Sayler & Smith, LLP
dcooper@fpsslaw.com
COUNSEL FOR USD 113 (PRAIRIE HILLS)

Additionally, I hereby certify that I have sent original copies of the foregoing REQUEST FOR APPROVAL OF AGREED TRANSFER OF TERRITORY (USD 113 to USD 335) with accompanying exhibits via certified mail to counsel of record as follows:

Scott Gordon, General Counsel
Office of General Counsel, State Department of Education,
Landon State Office Building,
900 SW Jackson Street, Suite 102,
Topeka, Kansas 66612
KANSAS STATE BOARD OF EDUCATION

/s/ Joshua A. Ney
Joshua A. Ney, #24077

EXHIBIT A

ASSOCIATES IN DISPUTE RESOLUTION, LLC
Mediation | Arbitration | System Design

www.adrmediate.com
212 SW 8th Avenue, Suite 207
Topeka, KS 66603

MEMORANDUM OF SETTLEMENT AGREEMENT

CASE CAPTION: In re Land Transfer USD 335 from USD 113

COURT: KSBE CASE NUMBER: _____ DIVISION: _____

THE ABOVE REFERENCED MATTER WAS MEDIATED AND SETTLEMENT WAS REACHED THE TERMS ARE AS FOLLOWS:

Subject to approval by the BOE of USD 335 & USD 113 and approval by the KS State Bd. of Education the ~~[illegible]~~ boundary line between USD 113 and USD 335 shall be 40 Road (Nemaha County) and 140 Road (Brown County) effective July 1, 2024 (as represented on the attached map/diagram). USD 335 as the petitioning district shall bear the costs of securing the necessary boundary descriptions and abstractor certification.

The parties hereto acknowledge that each has the authority to execute this document to be fully binding on behalf of the person or entity indicated.

The parties intend this agreement to be binding and enforceable and, if necessary, this document can be introduced into evidence to enforce its terms. They further acknowledge and agree that, within a reasonable period of time hereafter they will enter into a formal settlement agreement setting forth in more detail the terms of the agreement including the amount of any and all payments and an agreement to release, discharge, and forever hold the other harmless from any and all rights and/or claims and to dismiss causes of action arising from or related to the events and transactions which are subject matter of this case.

Signed at Topeka, Kansas/ Missouri, this 6th day of December, 2023.

USD 335

USD 113

LEGAL DESCRIPTION FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS NO.113 AND NO.335.

NEMAHA, BROWN & JACKSON COUNTIES

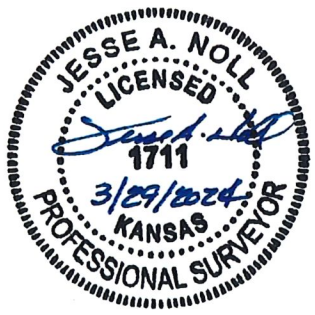
TRANSFER TRACT (U.S.D. NO.113 TO U.S.D. NO.335)

BEGINNING AT THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 8 ¼ MILES TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER SECTION 16, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH ¼ MILE; THENCE EAST ¼ MILE; THENCE SOUTH ¾ MILE TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE EAST APPROXIMATELY 9/16 MILE TO HIGHWAY 75; THENCE SOUTH ½ MILE ALONG SAID HIGHWAY 75; THENCE EAST APPROXIMATELY 1 7/16 MILES TO THE CENTER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH 1 ¾ MILES; THENCE WEST ½ MILE; THENCE SOUTH ¾ MILE TO THE BROWN AND JACKSON COUNTY LINE; THENCE WEST 1 ¼ MILES ALONG SAID COUNTY LINE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE; THENCE SOUTH 1 ½ MILES TO THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 2 MILES; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE; THENCE SOUTH 1 MILE; THENCE EAST ¼ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE EAST 1 MILE; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE TO THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 6 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ½ MILE; THENCE WEST ¾ MILE; THENCE NORTH 1 MILE TO THE NEMAHA AND JACKSON COUNTY LINE; THENCE WEST 2 ¼ MILES ALONG SAID COUNTY LINE TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE NORTH ½ MILE; THENCE WEST 1 ¼ MILES; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ¾ MILE; THENCE EAST 1 MILE; THENCE SOUTH ¼ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE WEST 3 MILES ALONG SAID COUNTY LINE; THENCE NORTH 1 MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE NORTH ½ MILE; THENCE EAST ¼ MILE TO THE NORTHWEST CORNER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH ¼ MILE; THENCE EAST ¼ MILE; THENCE NORTH ¼ MILE; THENCE EAST ¼ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE TO THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH 5 MILES TO THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE

13 EAST OF THE 6TH P.M.; THENCE EAST 1 MILE TO THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH 2 MILES TO THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M. AND THE POINT OF BEGINNING.

THE ABOVE CONTAINS 89.45 SQUARE MILES, MORE OR LESS.

I, JESSE A. NOLL, PROFESSIONAL SURVEYOR, KANSAS LICENSE #1711, DO HEREBY CERTIFY THAT THE REVISED BOUNDARY DESCRIPTION SET FORTH ABOVE IS A TRUE AND CORRECT DESCRIPTION OF THE OFFICIAL BOUNDARY OF THE TRACT TO BE TRANSFERRED BETWEEN UNIFIED SCHOOL DISTRICT NO. 113 AND UNIFIED SCHOOL DISTRICT NO. 335 IN THE EVENT THE PROPOSED PETITION/AGREEMENT TO TRANSFER TERRITORY FROM UNIFIED SCHOOL DISTRICT NO. 113 TO UNIFIED SCHOOL DISTRICT NO. 335 IS APPROVED BY THE STATE BOARD OF EDUCATION.



LEGAL DESCRIPTION FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS NO.113, NO.335 AND NO.380.

MARSHALL, NEMAHA, BROWN, AND JACKSON COUNTIES

BEGINNING AT THE NW CORNER OF SECTION 2, T1S, R8E, THENCE EAST ALONG THE KANSAS-NEBRASKA STATE LINE 44 MILES INTO BROWN COUNTY TO THE NE CORNER OF SEC. 1-1-15, THENCE SOUTH ½ MILE, EAST TO THE CENTER OF SEC. 6-1-16, SOUTH ½ MILE, WEST TO THE SW CORNER OF SEC. 6-1-16, SOUTH ½ MILE, WEST ¼ MILE, SOUTH ½ MILE EAST ¼ MILE, SOUTH ½ MILE, EAST TO THE CENTER OF SEC. 8-1-16, NORTH ½ MILE, EAST ½ MILE, SOUTH ½ MILE EAST 1 ½ MILES, SOUTH 1 MILE TO THE CENTER OF SEC. 21-1-16, THENCE WEST 1 ½ MILES, SOUTH ½ MILE, EAST 1 MILE, SOUTH 1 MILE, WEST 1 MILE, SOUTH ½ MILE TO THE NW CORNER OF THE SW ¼ OF SEC. 32-1-16, THENCE EAST ¼ MILE, SOUTH 1 MILE, WEST ¼ MILE, NORTH ½ MILE, WEST 1 MILE, SOUTH 1 MILE TO THE SW CORNER OF SEC 6-2-16, THENCE EAST 1 ¼ MILES, SOUTH ½ MILE, WEST ¾ MILE, SOUTH 1 ½ MILES TO THE SW CORNER OF THE SE/4 OF SEC. 18-2-16, THENCE WEST 1 MILE, NORTH ½ MILE, WEST 1 ½ MILES, NORTH ½ MILE, WEST 1 MILE, SOUTH ½ MILE TO THE NE CORNER OF THE SE/4 SEC. 16-2-15, THENCE WEST 1 MILE, SOUTH 4 ½ MILES, WEST ¼ MILE, SOUTH ½ MILE, WEST ¼ MILE, SOUTH ½ MILE, WEST ½ MILE, SOUTH ½ MILE, WEST 1 MILE, SOUTH ¼ MILE, WEST ½ MILE, SOUTH ¼ MILE, WEST ¼ MILE, SOUTH ½ MILE, EAST ¼ MILE TO THE CENTER OF SEC. 24-3-14, THENCE SOUTH ½ MILE, EAST ½ MILE, SOUTH 2 ½ MILES, EAST ¼ MILE, SOUTH ½ MILE, EAST INTO BROWN COUNTY 2 ¼ MILES TO THE NW CORNER OF THE NE/4 OF SEC. 9-4-15, THENCE 1 MILE, WEST ¼ MILE, SOUTH ¼ MILE, EAST ¼ MILE, SOUTH ¾ MILE TO THE SE CORNER OF THE SW/4 OF SEC. 16-4-15, THENCE EAST APPROXIMATELY 9/16 MILE, SOUTH ½ MILE, EAST APPROXIMATELY 1 7/16 MILES TO THE CENTER OF SEC. 23-4-15, THENCE SOUTH 1 ¾ MILES, WEST ½ MILE, SOUTH ¾ MILE, WEST 1 ¼ MILES, SOUTH INTO JACKSON ½ MILE, EAST ¼ MILE, SOUTH 1 ½ MILES TO THE SE CORNER OF SEC. 9-5-15, THENCE WEST ½ MILE, SOUTH ½ MILE, WEST 2 MILES, SOUTH ½ MILE, WEST ½ MILE TO THE SE CORNER OF SEC. 13-5-14, THENCE SOUTH ½ MILE, WEST ½ MILE, SOUTH ½ MILE, EAST ¼ MILE, SOUTH 1 MILE, EAST ¼ MILE TO THE SE CORNER OF SEC. 25-5-14, THENCE SOUTH ½ MILE, EAST 1 MILE, SOUTH ½ MILE, WEST APPROXIMATELY ¼ MILE TO THE NE CORNER OF SEC. 6-6-15, THENCE SOUTH ½ MILE, WEST ¼ MILE, SOUTH ½ MILE, WEST ¾ MILE, NORTH 1 MILE, WEST ALONG THE NEMAHA-JACKSON COUNTY LINE APPROXIMATELY 2 ¼ MILES TO THE SW CORNER OF THE SE/4 OF SEC. 34-5-14, THENCE NORTH ½ MILE, WEST 1 ¼ MILES, NORTH ½ MILE, WEST ¼ MILE, SOUTH ¾ MILE, EAST 1 MILE, SOUTH ¼ MILE TO THE SE CORNER OF SEC. 33-5-14, THENCE WEST ALONG THE COUNTY LINE 3 MILES, NORTH 1 MILE, WEST 1 MILE, NORTH ½ MILE, WEST ¼ MILE, NORTH ½ MILE, EAST ¼ MILE TO THE NW CORNER OF SEC. 25-5-13, THENCE NORTH ¼ MILE, EAST ¼ MILE, NORTH ¼ MILE, EAST ¼ MILE, NORTH ½ MILE, WEST 1 MILE TO THE NE CORNER OF THE NW/4 OF SEC. 23-5-13, THENCE SOUTH ¼ MILE, WEST ½ MILE, SOUTH ¼ MILE, WEST 1 MILE, NORTH ½ MILE, EAST 1/2 MILE, NORTH ½ MILE TO THE CENTER OF SEC. 15-5-13, THENCE WEST ½ MILE, SOUTH ½ MILE, WEST 1 MILE, NORTH 2 MILES, EAST ½ MILE, NORTH ½ MILE TO THE CENTER OF SEC. 4-5-13, THENCE WEST ½ MILE, NORTH ½

MILE, WEST ½ MILE, NORTH 1 MILE, EAST ½ MILE, NORTH 2 MILES TO THE NW CORNER OF SEC 21-4-13, THENCE EAST ¼ MILE, NORTH ½ MILE, EAST ¼ MILE, NORTH 1 MILE, EAST 1 ½ MILES, NORTH ½ MILE TO THE NW CORNER OF SEC. 11-4-13, THENCE EAST ½ MILE, NORTH 1 MILE TO THE NW CORNER OF SEC. 11-4-13, THENCE EAST ½ MILE, NORTH 1 MILE, WEST 1 MILE, NORTH 1 MILE, WEST 1 MILE, NORTH 1 ½ MILES TO THE CENTER OF SEC. 21-3-13, THENCE EAST ¼ MILE, SOUTH ¼ MILE, EAST ¼ MILE, SOUTH ¼ MILE, EAST 1 MILE, NORTH 1 MILE TO THE NW CORNER OF SEC. 23-3-13, THENCE EAST 1 MILE, NORTH 1 MILE, EAST 1 MILE, NORTH 4 ½ MILES, WEST ½ MILE, NORTH ½ MILE, WEST ½ MILE, SOUTH 1 MILE TO THE SE CORNER OF SEC. 23-2-13, THENCE WEST ¾ MILE, NORTHWESTERLY ALONG THE PUBLIC ROAD TO THE EAST-WEST CENTER LINE OF SEC. 23-2-13, EAST TO THE NW CORNER OF THE E/2 OF THE SW/4 OF SAID SEC. 23, NORTH ½ MILE, WEST 1 ¼ MILES, NORTH 1 ¼ MILES, WEST ¼ MILE, SOUTH ¾ MILE, WEST ¾ MILE TO THE NW CORNER OF THE SW/4 OF SEC. 16-2-13, THENCE NORTH 1 MILE, WEST 1 MILE, NORTH ½ MILE, WEST ½ MILE, SOUTH ½ MILE, WEST ½ MILE, NORTH ½ MILE TO THE NW CORNER OF SEC. 7-2-13, THENCE WEST 1 MILE, NORTH ¾ MILE, EAST 1 MILE, NORTH ¾ MILE, WEST 1 ¾ MILES, NORTH ½ MILE, WEST ¼ MILE TO THE SW CORNER OF SEC. 26-1-12, THENCE SOUTH ½ MILE, WEST ½ MILE, NORTH ½ MILE, WEST ¼ MILE, NORTH ¼ MILE, WEST ¼ MILE, NORTH ¾ MILE TO THE NW CORNER OF SEC. 27-1-12, THENCE WEST 1 MILE, NORTH 1 MILE, WEST ½ MILE, NORTH 1 MILE, WEST ¼ MILE, NORTH ½ MILE, WEST 1 ¼ MILES TO THE NW CORNER OF THE SW/4 OF SEC. 7-1-12, THENCE SOUTH ½ MILE, WEST ¾ MILE, NORTH ¼ MILE, EAST ¼ MILE, NORTH ¼ MILE TO THE CENTER OF SEC. 12-1-11, THENCE WEST 1 ¼ MILES, SOUTH ½ MILE, WEST ¼ MILE, SOUTH ¼ MILE, WEST ½ MILE, SOUTH ¼ MILE TO THE CENTER OF SEC. 15-1-11, THENCE WEST ½ MILE, NORTH 1 ¼ MILES, EAST ½ MILE, NORTH 1 ¼ MILES, EAST 1 MILE TO THE NW CORNER OF THE NE/4 OF SEC. 2-1-11, THENCE SOUTH ¾ MILE, WEST ½ MILE, NORTH ¼ MILE, WEST 1 MILE, SOUTH ½ MILE, WEST 1 MILE TO THE SW CORNER OF SEC. 4-1-11, THENCE SOUTH 1 MILE, EAST ½ MILE, NORTH 1 ½ MILES, WEST 2 ½ MILES, SOUTH ALONG THE MARSHALL-NEMAHA COUNTY LINE 4 ½ MILES TO THE SW CORNER OF SEC. 30-1-11, THENCE EAST 1 ½ MILES INTO NEMAHA COUNTY, NORTH ¼ MILE, EAST ½ MILE, NORTH ¼ MILE, EAST ½ MILE, SOUTH ½ MILE TO THE SW CORNER OF THE SE/4 OF SEC.28-1-11, THENCE WEST ¼ MILE, SOUTH 1 MILE, WEST ¾ MILE, SOUTH ½ MILE, WEST ¾ MILE, SOUTH 1 ½ MILES, WEST ¾ MILE TO THE SW CORNER OF SEC. 7-2-11, THENCE SOUTH ½ MILE, EAST ½ MILE, SOUTH ½ MILE, WEST ½ MILE, SOUTH ALONG THE COUNTY LINE 1 ½ MILES, WEST ¾ MILE, SOUTH ½ MILE, EAST ¾ MILE TO THE SE CORNER OF SEC. 25-2-10, THENCE SOUTH ALONG THE COUNTY LINE 1 MILE, WEST ½ MILE, SOUTH 1 MILE, EAST ½ MILE, SOUTH ½ MILE, WEST ½ MILE TO THE CENTER OF SEC. 12-3-10, THENCE SOUTH 1 ½ MILES, WEST 3 ½ MILES, NORTH ½ MILE, WEST ½ MILE, NORTH ¼ MILE, EAST ½ MILE, EAST ½ MILE, NORTH ¼ MILE TO THE NE CORNER OF SEC. 17-3- 10, THENCE WEST 1 ½ MILES, SOUTH ½ MILE, WEST ½ MILE, NORTH ½ MILE, WEST ½ MILE, NORTH ½ MILE TO THE CENTER OF SEC. 12-3-9, THENCE WEST ½ MILE, NORTH ½ MILE, EAST 1 MILE, NORTH ½ MILE, WEST ½ MILE TO THE CENTER OF SEC. 1-3-9, NORTH ½ MILE, EAST ½ MILE, NORTH 3 MILES TO THE SW CORNER OF 18-2-10 (MARSHALL CO.), WEST ½ MILE, NORTH 2 ½ MILES TO THE

CENTER OF SEC. 1-2-9, THENCE EAST ½ MILE, NORTH ¼ MILE, WEST ½ MILE, SOUTH ¼ MILE, WEST ½ MILE, NORTH ½ MILE TO THE NE CORNER OF SEC. 2-2-9, THENCE WEST 2 MILES, NORTH 1 MILE, EAST ½ MILE, NORTH ¾ MILE, EAST ½ MILE, SOUTH ¼ MILE, EAST ½ MILE TO THE CENTER OF SEC. 26-1-9, THENCE SOUTH ½ MILE, EAST 1 ¼ MILE, NORTH ½ MILE, EAST ¼ MILE, NORTH ½ MILE, WEST 1 ½ MILES TO THE SW CORNER OF THE SE/4 OF SEC. 23-1-9, THENCE NORTH ½ MILE, WEST ¼ MILE, NORTH ½ MILE, WEST ¼ MILE, SOUTH 1 MILE, WEST ½ MILE, NORTH ½ MILE TO THE CENTER OF SEC. 22-1-9, THENCE WEST 1 MILE, NORTH 1 MILE, WEST 1 MILE, SOUTH ½ MILE, WEST ½ MILE TO THE SE CORNER OF SEC. 18-1-9, THENCE NORTH ¼ MILE, WEST ½ MILE, SOUTH ¼ MILE, WEST ½ MILE, SOUTH 2 MILES, EAST ½ MILE, SOUTH ½ MILE TO THE CENTER OF SEC.31-1-9, THENCE WEST 1 ¼ MILES, NORTH ½ MILE, WEST ¾ MILES, NORTH 1 MILE, WEST ½ MILE, SOUTH 1 MILE TO THE SE CORNER OF SEC. 27-1-8, THENCE WEST 1 MILE, NORTH 1 MILE, EAST ½ MILE, NORTH ½ MILE, EAST ½ MILE, NORTH ½ MILE TO THE NE CORNER OF SEC. 22-1-3, THENCE WEST 1 ½ MILES, SOUTH ½ MILE, WEST ½ MILE, NORTH 1 MILE, EAST 2 MILES, NORTH ¼ MILE, EAST 1 MILE, NORTH ¼ MILE TO THE NE CORNER OF SEC. 14-1-3, THENCE WEST ½ MILE, NORTH 1 MILE, WEST ½ MILE, NORTH 1 MILE TO THE POINT OF BEGINNING.

EXCEPT (TRACT TO BE TRANSFERRED TO USD NO.335)

BEGINNING AT THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 8 ¼ MILES TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER SECTION 16, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH ¼ MILE; THENCE EAST ¼ MILE; THENCE SOUTH ¾ MILE TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE EAST APPROXIMATELY 9/16 MILE TO HIGHWAY 75; THENCE SOUTH ½ MILE ALONG SAID HIGHWAY 75; THENCE EAST APPROXIMATELY 1 7/16 MILES TO THE CENTER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH 1 ¾ MILES; THENCE WEST ½ MILE; THENCE SOUTH ¾ MILE TO THE BROWN AND JACKSON COUNTY LINE; THENCE WEST 1 ¼ MILES ALONG SAID COUNTY LINE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE; THENCE SOUTH 1 ½ MILES TO THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 2 MILES; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE; THENCE SOUTH 1 MILE; THENCE EAST ¼ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE EAST 1 MILE; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE TO THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 6 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ½ MILE; THENCE WEST ¾ MILE;

THENCE NORTH 1 MILE TO THE NEMAHA AND JACKSON COUNTY LINE; THENCE WEST 2 ¼ MILES ALONG SAID COUNTY LINE TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE NORTH ½ MILE; THENCE WEST 1 ¼ MILES; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ¾ MILE; THENCE EAST 1 MILE; THENCE SOUTH ¼ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE WEST 3 MILES ALONG SAID COUNTY LINE; THENCE NORTH 1 MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE NORTH ½ MILE; THENCE EAST ¼ MILE TO THE NORTHWEST CORNER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH ¼ MILE; THENCE EAST ¼ MILE; THENCE NORTH ¼ MILE; THENCE EAST ¼ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE TO THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH 5 MILES TO THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 1 MILE TO THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH 2 MILES TO THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M. AND THE POINT OF BEGINNING.

ALSO, EXCEPT (TRACT TO BE TRANSFERRED TO USD NO.380)

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 4 MILES TO THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE TO THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 5 MILES TO THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 1 MILE; THENCE NORTH 2 MILES; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 4, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE; THENCE EAST ½ MILE; THENCE NORTH 2 MILES TO THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST ¼ MILE; THENCE NORTH ½ MILE; THENCE EAST ¼ MILE; THENCE NORTH 1 MILE; THENCE EAST 1 ½ MILES; THENCE NORTH ½ MILE TO THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST ½ MILE; THENCE NORTH 1 MILE; THENCE EAST 1 ½ MILES TO THE SOUTHEAST CORNER OF

SECTION 36, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M. AND THE POINT OF BEGINNING.

THE ABOVE CONTAINS 412.60 SQUARE MILES, MORE OR LESS.

I, JESSE A. NOLL, PROFESSIONAL SURVEYOR, KANSAS LICENSE #1711, DO HEREBY CERTIFY THAT THE REVISED BOUNDARY DESCRIPTION SET FORTH ABOVE IS A TRUE AND CORRECT DESCRIPTION OF THE OFFICIAL BOUNDARY OF UNIFIED SCHOOL DISTRICT NO. 113 IN THE EVENT THE PROPOSED PETITION/AGREEMENT TO TRANSFER TERRITORY FROM UNIFIED SCHOOL DISTRICT NO. 113 TO UNIFIED SCHOOL DISTRICTS NO. 335 AND NO. 380 ARE APPROVED BY THE STATE BOARD OF EDUCATION.

LEGAL DESCRIPTIONS FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS 113 AND 335

JACKSON, NEMAHA, ATCHISON, AND BROWN COUNTIES

NEW DISTRICT BOUNDARY USD 335

BEGINNING AT THE NW CORNER OF SECTION 1, T6S, R12E; THENCE EAST ALONG THE JACKSON-NEMAHA COUNTY LINE APPROXIMATELY 2½ MILES TO THE SE CORNER OF THE SW¼ OF SEC. 32-5-13; THENCE NORTH INTO NEMAHA COUNTY 2 MILES, EAST ½ MILES, NORTH 1 MILE; WEST ½ MILE, NORTH ¼ MILE, EAST ½ MILE, SOUTH ¼ MILE TO THE SE CORNER OF SEC. 17-5-13; THENCE EAST 1 MILE, NORTH ½ MILE, EAST ½ MILE, SOUTH ½ MILE, WEST ½ MILE, SOUTH ½ MILE, EAST 1 MILE TO THE NE CORNER OF THE SE¼ OF SEC. 22-5-13; THENCE NORTH ¼ MILE, EAST ½ MILE, NORTH ¼ MILE, EAST 1 MILE, SOUTH ½ MILE TO THE CENTER OF SEC. 24-5-13; THENCE WEST ¼ MILE; THENCE SOUTH ¼ MILE, WEST ¼ MILE, SOUTH ¼ MILE, WEST ¼ MILE, SOUTH ½ MILE; EAST ¼ MILE TO THE NE CORNER OF THE SE¼ OF SEC. 26-5-13; THENCE SOUTH ½ MILE, EAST 1 MILE, SOUTH 1 MILE, EAST ALONG THE COUNTY LINE 3 MILES, NORTH INTO NEMAHA COUNTY ¼ MILE, WEST 1 MILE, NORTH 3/4 MILE, EAST ¼ MILE, SOUTH ½ MILE, EAST 1¼ MILES TO THE CENTER OF SEC. 34-5-14; THENCE SOUTH ½ MILE, EAST ALONG THE COUNTY LINE APPROXIMATELY 2¼ TO THE NW CORNER OF SEC. 6-6-15; THENCE SOUTH 1 MILE, EAST 3/4 MILE, NORTH ½ MILE, EAST ¼ MILE, NORTH ½ MILE, EAST TO THE SE CORNER OF SEC. 31-5-15; THENCE NORTH ½ MILE, WEST 1 MILE, NORTH ALONG THE JACKSON-NEMAHA COUNTY LINE ½ MILE; THENCE WEST INTO NEMAHA COUNTY ¼ MILE, NORTH 1 MILE, WEST ¼ MILE, NORTH ½ MILE TO THE CENTER OF SEC. 24-5-14; THENCE EAST ½ MILE, NORTH ½ MILE, EAST ½ MILE, NORTH ½ MILE, EAST 2 MILES, NORTH ½ MILE, EAST ½ MILE TO THE NE CORNER OF SEC. 16-5-15; THENCE NORTH 1½ MILES, WEST ¼ MILE, NORTH ½ MILE, EAST ALONG THE JACKSON-BROWN COUNTY LINE 2¼ MILES, NORTH INTO BROWN COUNTY ¼ MILE, EAST ½ MILE, SOUTH ¼ MILE, EAST ALONG THE COUNTY LINE 4 MILES TO THE NE CORNER OF THE NW¼ OF SEC. 3-5-16; THENCE SOUTH 1 MILE, EAST 1½ MILES, SOUTH 1½ MILES, WEST ½ MILE, SOUTH ½ MILE, EAST 1½ MILES TO THE SE CORNER OF SEC. 13-5-16*; THENCE SOUTH ALONG THE JACKSON-ATCHISON COUNTY LINE ½ MILE, EAST INTO ATCHISON COUNTY ½ MILE, SOUTH ½ MILE, WEST ½ MILE, SOUTH ALONG THE COUNTY LINE 1½ MILES TO THE NE CORNER OF THE SE¼ OF SEC. 36-5-16; THENCE EAST INTO ATCHISON COUNTY ½ MILE, SOUTH ½ MILE, WEST APPROXIMATELY 3/4 MILE TO THE NE CORNER OF SEC. 1-6-16; THENCE SOUTH ALONG THE COUNTY LINE 1½ MILES, WEST 1 MILE, SOUTH ½ MILE, EAST 3/4 MILE, SOUTH ½ MILE, EAST ¼ MILE, SOUTH ½ MILE TO THE SE CORNER OF SEC. 13-6-16; THENCE WEST 1½ MILES, SOUTH APPROXIMATELY ½ MILE TO EXCLUDE 15 ACRES IN THE SE CORNER OF THE NW¼ OF SEC. 23-6-16; THENCE WEST APPROXIMATELY 1 MILE TO THE CENTER OF SEC. 22-6-16; THENCE NORTH ½ MILE, WEST 1½ MILES, SOUTH ½ MILE, WEST 8 MILES, SOUTH 1 MILE TO THE NE CORNER OF THE SE¼ OF SEC. 25-6-14; **THENCE WEST ½ MILE, SOUTH ½ MILE, WEST ½ MILE, SOUTH ½ MILE, WEST ½ MILE, SOUTH ½ MILE**, WEST 4½ MILES TO THE SW CORNER OF SEC. 31-6-

14; THENCE SOUTH ½ MILE, **WEST ½ MILE; THENCE SOUTH ½ MILE, EAST ½ MILE**, SOUTH 3 MILES, **WEST 1 MILE, SOUTH ½ MILE, EAST 1 MILE** TO THE NE CORNER OF THE SE¼ OF SEC. 25-7-13; THENCE SOUTH 1½ MILES, WEST 2 MILES, SOUTH ½ MILE, WEST 1 MILE, SOUTH ½ MILE, WEST 1 MILE TO THE SW CORNER OF SEC. 4-8-13; THENCE NORTH 1½ MILES, WEST ½ MILE, NORTH ½ MILE, WEST 1 MILE, NORTH ½ MILE, TO THE CENTER OF SEC. 30-7-13; THENCE WEST ¾ MILE, NORTH ½ MILE, ***EAST 2¼ MILES, SOUTH ½ MILE, EAST ½ MILE, NORTH 1 MILE TO THE CENTER OF SEC. 21-7-13; THENCE EAST 1 MILE, NORTH ¼ MILE, EAST ¼ MILE, NORTH ¼ MILE, WEST 3¼ MILES, NORTH 1 MILE, EAST 2½ MILES TO THE SE CORNER OF SEC. 9-7-13; THENCE NORTH ½ MILE, EAST ½ MILE, NORTH ½ MILE, WEST 2½ MILES, NORTH ½ MILE, WEST ¾ MILE, NORTH ½ MILE, WEST ¼ MILE TO THE NW CORNER OF SEC. 6-7-13; THENCE NORTH 1½ MILES, EAST ½ MILE, NORTH ½ MILE, WEST ½ MILE***, NORTH 1 MILE TO THE SW CORNER OF SEC. 18-6-13; THENCE WEST ¼ MILE, NORTH ½ MILE, WEST ½ MILE, NORTH ½ MILE, WEST ¼ MILE, NORTH 2 MILES TO THE POINT OF BEGINNING.

* TRANSFER OF TERRITORY FROM U.S.D. #335 TO U.S.D. #430 7/8/68 FILE #379
** TRANSFER OF TERRITORY FROM U.S.D. #335 TO U.S.D. #336 7/8/68 FILE #375
*** TRANSFER OF TERRITORY FROM U.S.D. #335 TO U.S.D. #322 7/8/68 FILE #373

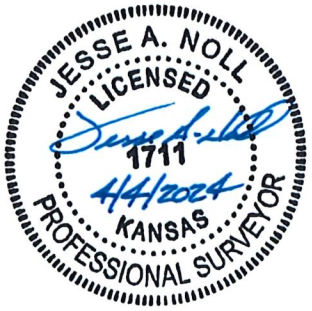
AND (TRACT TRANSFERRED FROM USD 113)

BEGINNING AT THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 8 ¼ MILES TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER SECTION 16, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH ¼ MILE; THENCE EAST ¼ MILE; THENCE SOUTH ¾ MILE TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE EAST APPROXIMATELY 9/16 MILE TO HIGHWAY 75; THENCE SOUTH ½ MILE ALONG SAID HIGHWAY 75; THENCE EAST APPROXIMATELY 1 7/16 MILES TO THE CENTER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH 1 ¾ MILES; THENCE WEST ½ MILE; THENCE SOUTH ¾ MILE TO THE BROWN AND JACKSON COUNTY LINE; THENCE WEST 1 ¼ MILES ALONG SAID COUNTY LINE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE; THENCE SOUTH 1 ½ MILES TO THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 2 MILES; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE; THENCE SOUTH 1 MILE; THENCE EAST ¼ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE EAST 1 MILE; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE TO THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 6 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH

½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ½ MILE; THENCE WEST ¾ MILE; THENCE NORTH 1 MILE TO THE NEMAHA AND JACKSON COUNTY LINE; THENCE WEST 2 ¼ MILES ALONG SAID COUNTY LINE TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE NORTH ½ MILE; THENCE WEST 1 ¼ MILES; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ¾ MILE; THENCE EAST 1 MILE; THENCE SOUTH ¼ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE WEST 3 MILES ALONG SAID COUNTY LINE; THENCE NORTH 1 MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE NORTH ½ MILE; THENCE EAST ¼ MILE TO THE NORTHWEST CORNER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH ¼ MILE; THENCE EAST ¼ MILE;, THENCE NORTH ¼ MILE; THENCE EAST ¼ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE TO THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH 5 MILES TO THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 1 MILE TO THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH 2 MILES TO THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M. AND THE POINT OF BEGINNING.

THE ABOVE CONTAINS 302.38 SQUARE MILES, MORE OR LESS.

I, JESSE A. NOLL, PROFESSIONAL SURVEYOR, KANSAS LICENSE #1711, DO HEREBY CERTIFY THAT THE REVISED BOUNDARY DESCRIPTION SET FORTH ABOVE IS A TRUE AND CORRECT DESCRIPTION OF THE OFFICIAL BOUNDARY OF UNIFIED SCHOOL DISTRICT NO. 335 IN THE EVENT THE PROPOSED PETITION/AGREEMENT TO TRANSFER TERRITORY FROM UNIFIED SCHOOL DISTRICT NO. 113 TO UNIFIED SCHOOL DISTRICT NO. 335 IS APPROVED BY THE STATE BOARD OF EDUCATION.



CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have filed and sent the foregoing PETITION BY BOARD OF EDUCATION OF UNIFIED SCHOOL DISTRICT NO. 115 FOR TRANSFER OF TERRITORY with accompanying exhibits via electronic mail to counsel of record as follows:

Scott Gordon, General Counsel
Office of General Counsel, State Department of Education
sgordon@ksde.org
KANSAS STATE BOARD OF EDUCATION

David Cooper, Attorney
Fisher Patterson Sayler & Smith, LLP
dcooper@fpsslaw.com
COUNSEL FOR USD 113 (PRAIRIE HILLS)

Additionally, I hereby certify that I have sent original copies of the foregoing PETITION BY BOARD OF EDUCATION OF UNIFIED SCHOOL DISTRICT NO. 115 FOR TRANSFER OF TERRITORY with accompanying exhibits via certified mail to counsel of record as follows:

Scott Gordon, General Counsel
Office of General Counsel, State Department of Education,
Landon State Office Building,
900 SW Jackson Street, Suite 102,
Topeka, Kansas 66612
KANSAS STATE BOARD OF EDUCATION

David Cooper, Attorney
Fisher Patterson Sayler & Smith, LLP
3550 SW 5th Street
Topeka, Kansas 66606
COUNSEL FOR USD 113 (PRAIRIE HILLS)

/s/ Joshua A. Ney
Joshua A. Ney, #24077

HO EXHIBIT
tabbies
5

Dg
Rec'd
2/14/23

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of the Petition to Transfer Territory from USD 113 (Prairie Hills) to USD 115 (Nemaha Central))

File No. 24-PTT-01

PETITION BY BOARD OF EDUCATION OF UNIFIED SCHOOL DISTRICT NO. 115 FOR TRANSFER OF TERRITORY

This Petition is made by the Board of Education of Unified School District No. 115, Marshall and Nemaha Counties, State of Kansas, to the Kansas State Board of Education on this 15th day of February, 2024. As the basis for this Petition, the petitioning board states:

1. This Petition is made under authority of K.S.A. 72-532.

2. Mediation was attempted under K.S.A. 72-530 but failed.

3. The State Board of Education is requested to transfer the territory described in the certified land description attached as **Exhibit A,** "LEGAL DESCRIPTIONS FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS NO. 113 AND NO. 115" (hereinafter "Petitioned Area") from Unified School District No. 113, Marshall, Nemaha, Brown, and Jackson Counties, State of Kansas, to Unified School District No. 115. Marshall and Nemaha Counties, State of Kansas. The Petitioned Area is also shown on the attached map in **Exhibit B**.

4. The petitioning board is of the opinion that the transfer of territory requested in this Petition, if granted, would be consistent with the factors listed in subsection (d) of K.S.A. 72-532, as further described within **Exhibit C** – General Information.

5. No petition for the transfer of substantially the same territory as described above has been submitted to the State Board within two years of the date of this Petition.

6. The petitioning board of education has authorized its president to sign this petition on its behalf.

7. Additional supporting materials required by the Land Transfer Packet provided by the Kansas Department of Education are attached hereto as:

   a. **Exhibit D** - Comparison of Districts (Before Transfer);

   b. **Exhibit E** - Comparison of Districts (After Transfer) Estimate;

   c. **Exhibit F** – [CONFIDENTIAL] Family Preference (Enrolled Students);

   d. **Exhibit G** - Landowner Preference;

e. **Exhibit H** – Proposed New Overall Boundary U.S.D. No. 115 (certified);

f. **Exhibit I** – Proposed New Overall Boundary U.S.D. No. 113 (certified); and

g. **Exhibit J** – Resolution 2024-004 passed by USD 115 Board of Education approving filing of this Petition.

8. All exhibits are incorporated herein by reference.

Respectfully submitted,

KRIEGSHAUSER NEY LAW GROUP

By: /s/ Joshua A. Ney

Joshua A. Ney, KS Bar No. 24077
Ryan A. Kriegshauser, KS Bar No. 23942
15050 W. 138th St., Unit 4493
Olathe, KS 666063
Telephone: (785) 414-9065
ryan@knlawgroup.com

ATTORNEYS FOR USD 115 (NEMAHA CENTRAL)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have filed and sent the foregoing PETITION BY BOARD OF EDUCATION OF UNIFIED SCHOOL DISTRICT NO. 115 FOR TRANSFER OF TERRITORY with accompanying exhibits via electronic mail to counsel of record as follows:

Scott Gordon, General Counsel
Office of General Counsel, State Department of Education
sgordon@ksde.org
KANSAS STATE BOARD OF EDUCATION

David Cooper, Attorney
Fisher Patterson Sayler & Smith, LLP
dcooper@fpsslaw.com
COUNSEL FOR USD 113 (PRAIRIE HILLS)

Additionally, I hereby certify that I have sent original copies of the foregoing PETITION BY BOARD OF EDUCATION OF UNIFIED SCHOOL DISTRICT NO. 115 FOR TRANSFER OF TERRITORY with accompanying exhibits via certified mail to counsel of record as follows:

Scott Gordon, General Counsel
Office of General Counsel, State Department of Education,
Landon State Office Building,
900 SW Jackson Street, Suite 102,
Topeka, Kansas 66612
KANSAS STATE BOARD OF EDUCATION

David Cooper, Attorney
Fisher Patterson Sayler & Smith, LLP
3550 SW 5th Street
Topeka, Kansas 66606
COUNSEL FOR USD 113 (PRAIRIE HILLS)

/s/ Joshua A. Ney
Joshua A. Ney, #24077

LEGAL DESCRIPTIONS FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS NO.113 AND NO.115.

NEMAHA COUNTY

TRANSFER TRACT 1 (NEW LARGE AREA) (U.S.D. NO.113 TO U.S.D. NO.115)

BEGINNING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M., ALSO BEING THE CORNER OF MARSHALL AND NEMAHA COUNTIES AND THE KANSAS-NEBRASKA STATE LINE; THENCE EAST 16 MILES ALONG THE KANSAS-NEBRASKA STATE LINE TO THE NORTHEAST CORNER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 7 MILES TO THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 2 MILES; THENCE SOUTH 2 ½ MILES; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE SOUTH 1 MILE TO THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ¾ MILE; THENCE NORTHWESTERLY ALONG THE PUBLIC ROAD TO THE EAST-WEST CENTERLINE OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST TO THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE NORTH ½ MILE; THENCE WEST 1 ¼ MILES; THENCE NORTH 1 ¼ MILES; THENCE WEST ¼ MILE; THENCE SOUTH ¾ MILE; THENCE WEST ¾ MILE TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH 1 MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE TO THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE; THENCE NORTH ¾ MILE; THENCE EAST 1 MILE; THENCE NORTH ¾ MILE; THENCE WEST 1 ¾ MILES; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE TO THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 12 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE NORTH ¼ MILE; THENCE WEST ¼ MILE; THENCE NORTH ¾ MILE TO THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 12 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE; THENCE NORTH 1 MILE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE; THENCE WEST ¼ MILE; THENCE NORTH ½ MILE; THENCE WEST 1 ¼ MILES TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 12 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE WEST ¾ MILE; THENCE NORTH ¼ MILE; THENCE EAST ¼ MILE; THENCE NORTH ¼ MILE TO THE CENTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE WEST 1 ¼ MILES; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE TO THE CENTER OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE NORTH 1 ¼ MILES; THENCE WEST ½ MILE; THENCE SOUTH ¾ MILE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE TO THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 4, TOWNSHIP 1 SOUTH,

RANGE 11 EAST OF THE 6TH P.M.; THENCE WEST 2 ½ MILES TO THE MARHSALL AND NEMAHA COUNTY LINE; THENCE NORTH ½ MILE ALONG SAID COUNTY LINE TO THE POINT OF BEGINNING.

THE ABOVE CONTAINS 69.30 SQUARE MILES, MORE OR LESS.

TRANSFER TRACT 2 (NEW MEDIUM AREA) (U.S.D. NO.113 TO U.S.D. NO.115)

BEGINNING AT THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 4 MILES TO THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST 2 ½ MILES; THENCE NORTH 1 MILE; THENCE WEST 1 MILE; THENCE NORTH 1 ½ MILES TO THE CENTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE EAST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE EAST 1 MILE; THENCE NORTH 1 MILE TO THE NORTHWEST CORNER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 1 MILE; THENCE NORTH 1 MILE; THENCE EAST 1 MILE TO THE POINT OF BEGINNING.

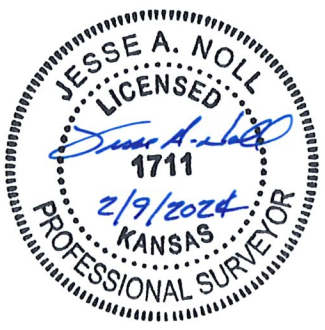
THE ABOVE CONTAINS 9.20 SQUARE MILES, MORE OR LESS.

TRANSFER TRACT 3 (NEW SMALL AREA) (U.S.D. NO.113 TO U.S.D. NO.115)

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 1 ½ MILES; THENCE WEST 1 ¾ MILES; THENCE NORTH ½ MILE; THENCE EAST ¼ MILE; THENCE NORTH 1 MILE TO THE CENTER OF SECTION 9, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 1 ½ MILES TO THE POINT OF BEGINNING.

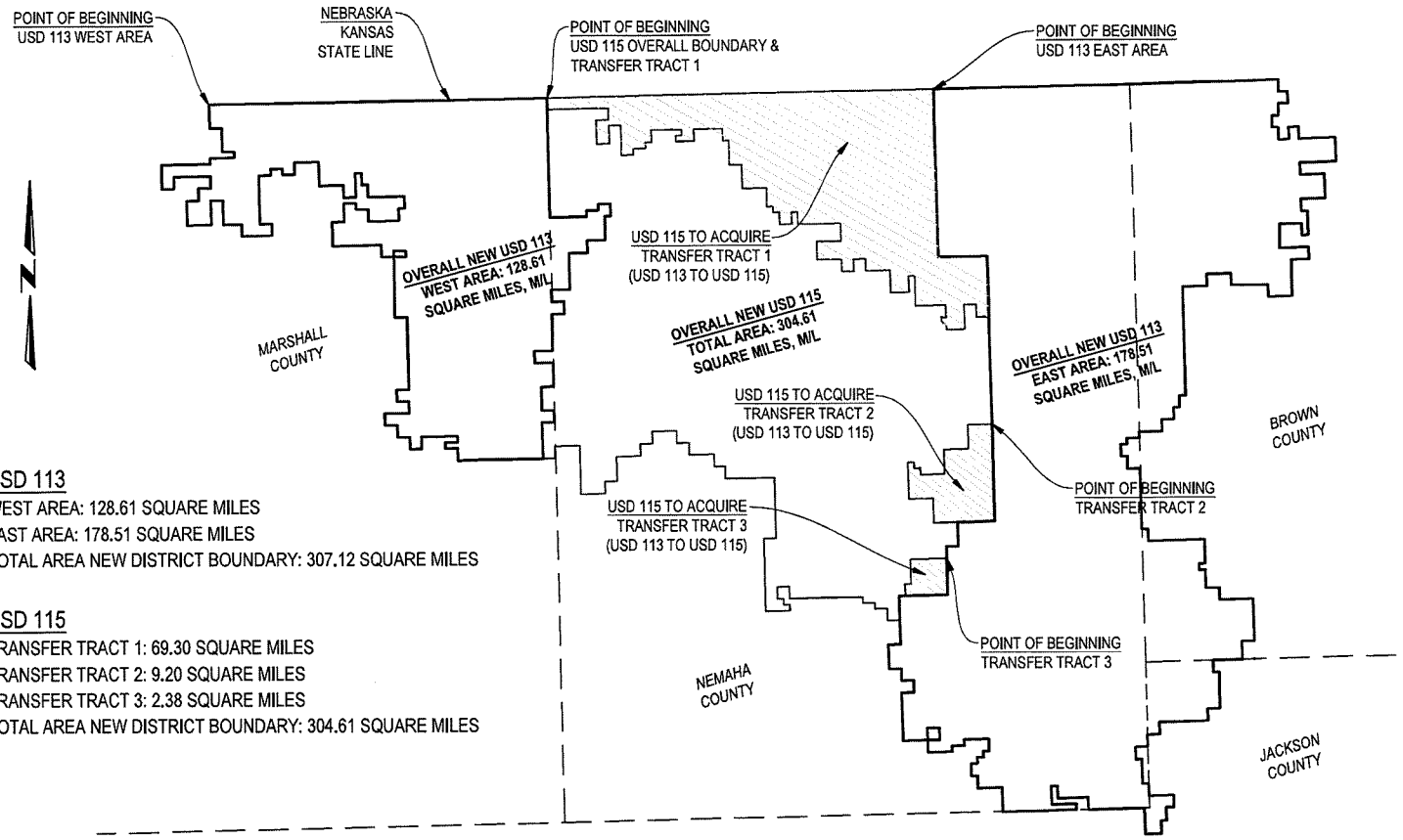
THE ABOVE CONTAINS 2.38 SQUARE MILES, MORE OR LESS.

I, JESSE A. NOLL, PROFESSIONAL SURVEYOR, KANSAS LICENSE #1711, DO HEREBY CERTIFY THAT THE REVISED BOUNDARY DESCRIPTIONS SET FORTH ABOVE ARE TRUE AND CORRECT DESCRIPTIONS OF THE OFFICIAL BOUNDARIES OF THE TRACTS TO BE TRANSFERRED BETWEEN UNIFIED SCHOOL DISTRICT NO. 113 AND UNIFIED SCHOOL DISTRICT NO. 115 IN THE EVENT THE PROPOSED PETITION/AGREEMENT TO TRANSFER TERRITORY FROM UNIFIED SCHOOL DISTRICT NO. 113 TO UNIFIED SCHOOL DISTRICT NO. 115 IS APPROVED BY THE STATE BOARD OF EDUCATION.



DISTRICT BOUNDARIES EXHIBIT

UNIFIED SCHOOL DISTRICTS 113 & 115



USD 113

WEST AREA: 128.61 SQUARE MILES
EAST AREA: 178.51 SQUARE MILES
TOTAL AREA NEW DISTRICT BOUNDARY: 307.12 SQUARE MILES

USD 115

TRANSFER TRACT 1: 69.30 SQUARE MILES
TRANSFER TRACT 2: 9.20 SQUARE MILES
TRANSFER TRACT 3: 2.38 SQUARE MILES
TOTAL AREA NEW DISTRICT BOUNDARY: 304.61 SQUARE MILES

NOTES
1. EXHIBIT PREPARED FOR KRIEGSHAUSER NEY LAW GROUP AND IS FOR REFERENCE ONLY
2. DRAWING IS NOT TO SCALE

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GENERAL INFORMATION

WHERE APPROPRIATE, CIRCLE "YES" OR "NO" [Petitioner's answers highlighted]

Yes No A. In case a transfer is ordered, will changes occur that both sides agree would be educationally beneficial? If yes, list.

Yes, upon information and belief, it is anticipated that both sides acknowledge that at least 78 of 104 (75%) students in the Petitioned Area who currently attend USD 115 will be educationally benefited due to, at least, the following undisputed factors: 1) district attendance centers in USD 115 are closer than attendance centers in USD 113 for students in the Petitioned Area; 2) upon transfer, the vast majority of student families in Petitioned Area would be democratically represented by school board members of their resident district; 3) ad valorem assessments would better reflect long-term enrollment trends in Petitioned Area and provide additional educational resources (e.g. local option budget, transportation, capital outlay, bond issues) for the vast majority of students in the Petitioned Area.

Yes **No** B. In case a transfer is ordered, will changes occur that both sides agree would be educationally detrimental? If yes, list.

CRITERIA

WHERE APPROPRIATE, CIRCLE "YES" OR "NO"

Yes **No** 1. Has the state board denied a petition for substantially the same territory within the past two years?

Yes No 2. Is the petitioned territory contiguous with the boundary line of the "receiving" district?

Yes **No** 3. Are a majority of the residents in the petitioned area tenants?

Upon information and belief, the majority of the residents in the Petitioned Area are landowners.

Yes **No** 4. Is this a housing development area or part of an industrial district? If yes, explain.

Yes No 5. Are there any other unusual characteristics of the petitioned area? If yes, explain.

Unusual characteristics of the Petitioned Area and surrounding region include: 1) Petitioned Area impacted by multiple school closures in

past 12 years; 2) the Petitioned Area is geographically closer to USD 115 attendance centers (Seneca) than USD 113 attendance centers (Sabetha, Axtell); 3) vast majority of students in proposed area to be transferred already attend USD 115, even though they reside in USD 113; 4) during each of the last 12 years, the vast majority of students in the Petitioned Area have chosen to attend USD 115 out of district, representing an entire generation of K-12 students; 5) as recent as January 2023 (effective date of November 2022 bond issue), USD 115 has had to pass additional bond issues to support the continued influx of out-of-district students from the Petitioned Area; 6) for the past several years, USD 115 has operated at capacity as a result of the continued influx of out-of-district students from the Petitioned Area; and 7) while USD 115 has had to pass bond issues to support out-of-district students, USD 113 has cut ad valorem taxes due in part to the tax revenue derived from the Petitioned Area.

Yes No 6. Do a majority of the resident families that have school-age children desire to transfer?

Yes No 7. Do a majority of the resident families that do not have school-age children desire to transfer?

Yes No 8. Do a majority of the nonresident landowners support the transfer?

Yes **No** 9. If this a request for a transfer of land on which there are no resident families?

Yes **No** 10. Does the "receiving" district have a policy of not accepting out-of-district pupils?

No, the district does not have such a policy and has accepted a vast majority of the USD 113 students residing in the proposed transferred land for several years. However, due to the influx in students residing in portions of USD 113, the receiving district USD 115 is operating at capacity and had to decline enrollment to 10 out-of-district students in the 2022-2023 school year.

Yes **No** 11. If the "receiving" district accepts out-of-district pupils, does it charge tuition? If so, how much? _____
Who pays it? _____

Yes No 12. Will the "receiving" district board permit its buses to enter other districts to pick up children at their homes if permission is granted?

Yes No 13. Does the "giving" district board permit buses of the "receiving" district to enter the petitioned area to pick up children?

Yes No 14. Will the "receiving" district permit buses of the "giving" district or other districts to enter its boundaries to pick up children?

Yes No 15. Are all or any of the pupils residing in the petitioned area attending school in the district of their choice? If yes, explain.

As of the 2022-2023 school year, 78 of 104 (75%) of students residing in the Petitioned Area attend USD 115 as out-of-district students.

Yes No 16. Do any pupils who reside in the petitioned area and attend school in the "receiving" district live more than a mile from a "receiving" district bus pickup point or the attendance facility of each district? If yes, explain.

Majority of students live more than one mile from attendance facilities in both districts. Nearly all students in the Petitioned Area live closer to attendance centers in USD 115 than attendance centers in USD 113.

Yes **No** 17. If the children of the petitioned area attend school in the "giving" district, are they required to walk more than a mile to board a district bus?

Yes No 18. Do physical conditions such as topography, roads, bridges, waterways, etc., make it more practical for the "receiving" district to serve the children in the petitioned area?

Yes, Petitioned Area is closer to USD 115 "receiving" district attendance centers than USD 113 "giving" district attendance centers and is contiguous with the current northern boundary of USD 115. Additionally, USD 115 attendance centers are accessible by the safest and most direct routes for students in the Petitioned Area, when compared routes to USD 113 attendance centers in Sabetha.

Yes No 19. Will an undue hardship be placed on pupils residing in the petitioned area if the transfer is **not** approved? If so, explain.

Yes, for the vast majority of students in the Petitioned Area (75% of resident students attend USD 115 out-of-district) ad valorem tax dollars for the land in the area will continue to be collected by USD 113, resulting in continued underfunding of resources for USD 115 pupils, while USD 113 is benefited from Petitioned Area technically within its ad valorem tax base. Additionally, if the transfer is not approved, the vast majority of students in the Petitioned Area will attend a district (USD 115) that does not receive transportation funding for transporting those

students, necessitating USD 115 to allocate other budgeted moneys to transportation instead of expanding educational services.

Yes **No** 20. Would the transfer of the petitioned area and loss of enrollment or valuation impose a substantial financial hardship on the "giving" district?

It is <u>not</u> anticipated that USD 113 will lose enrollment as a result of the transfer. Most families in the area have enrolled in the district with the closest attendance center (USD 115), and that factor would not change as a result of this land transfer.

Yes **No** 21. Would the proposed transfer impair the ability of the "giving" district to offer and teach thirty units of credit?

Yes No 22. Are the schools of both districts accredited? If not, explain.

Yes **No** 23. Would a transfer of the petitioned area separate more than ¼ of the territory and taxable tangible valuation of the "giving" school district as it was constituted at time of unification?

Yes No 24. Are there reasons for requesting the transfer other than the educational needs of the children, such as an anticipated bond election in the "giving" district or a considerable higher tax levy in the "giving" district?

1) The vast majority of families with enrolled students in the Petitioned Area do not have representation on the school board of their enrolled district.

2) USD 115 residents have had to pass additional bond issues to support the additional "at-capacity" strain put on USD 115 resources and facilities as a result of 75% of students in the Petitioned Area attending USD 115. This has resulted in regional inequities accruing to the benefit of USD 113 that is underserving the Petitioned Area while continuing to derive tax revenue from that area.

Yes No 25. Would a transfer substantially lessen the distance most pupils living in the petitioned area have to travel to school?

Yes, the Petitioned Area is closer in proximity to the attendance center in USD 115 (Seneca) versus the attendance centers in USD 113 (Sabetha, Axtell).

Yes No 26. Are the pupils proposed to be transferred former students of a school closed by the "giving" district?

Yes, the pupils residing in land to be transferred previously attended schools closed by USD 113 in Bern (2013). USD 115 also received several students in 2023 as a result of USD 113's decision to close the Wetmore attendance district (2023).

27. What is the assessed valuation of the petitioned area?

$14,335,977.00	*REAL ESTATE*
$977,678.00	*PERSONAL PROPERTY*
$2,046,002.00	*PUBLIC UTILITY*
$16,359,657.00	***TOTAL ASSESSED VALUATION***

28. Briefly describe how each of the factors listed in subsection (d) of K.S.A. 72-532 impacts the request for transfer of territory. (**Statutory factors listed in bold**, *Petitioner statements listed in italics.*)

K.S.A. 72-532(d) Prior to issuing an order, the state board shall consider the following:

(1) City boundaries and the area within three miles surrounding any city with more than one district in the area;

Seneca is the county seat of Nemaha County and the District Headquarters of USD 115. The Petitioned Area is completely within Nemaha County. The Petitioned Area, including the city of Bern (site of the 2012 school closure), is closer in driving distance and time to Seneca, Kansas, than it is to Sabetha, Kansas, site of USD 113 District Office and attendance centers. Sabetha is a city in Nemaha and Brown Counties. None of the Petitioned Area is within Brown County. The City of Bern, Kansas is in Nemaha County and completely within the Petitioned Area.

(2) available capacity of districts involved in the territory transfer to serve existing or additional students;

USD 115 is already serving 75% of students in the Petitioned Area as out-of-district enrollees. This land transfer is sought to better reflect the clear enrollment trends, family preferences, and landowner preferences in the Petitioned Area.

In November 2022, USD 115 electors approved a $24 million bond issue to expand capacity of its attendance centers in Seneca, Kansas. USD 115 is currently operating at capacity due to the influx in students from the Petitioned Area over the past several

years. Anticipated to be completed in August 2024, the infrastructure upgrade and expansion will accommodate additional students as more families chose to attend USD 115 due to regional practicalities.

(3) condition and age of buildings and physical plant;

USD 115's November 2022 $24 million bond issue has financed an extensive renovation and expansion project for its attendance centers in Seneca, Kansas, which is anticipated to be completed in August 2024.

The renovation and expansion project includes: 1) expanded early childhood and elementary school facilities, including classrooms, support space, cafeteria expansion, playground and parking expansion, and direct street access; 2) existing high school renovation, including classroom, restroom, locker room, tech building, band room, special education room renovation, as well as HVAC, fire alarm, mechanical systems, and site/sidewalk upgrades; and 3) new high school construction, including new classrooms, STEM facilities, secured main entry and office, and other site/sidewalk/access upgrades.

(4) overall costs including renovation of existing buildings versus construction;

USD 115's November 2022 $24 million bond issue has financed an extensive renovation and expansion project for its attendance centers in Seneca, Kansas, which is anticipated to be completed in August 2024. The infrastructure upgrade and expansion will accommodate additional students as more families chose to attend USD 115 due to regional practicalities.

Construction progress of the bond issue upgrades is available at https://www.usd115.org/o/usd115/page/construction-progress.

(5) cost of bussing;

As families from the Petitioned Area have enrolled out-of-district in USD 115, USD 115 has bussed the students in the Petitioned Area to Nemaha Central attendance centers, while receiving no transportation funding from the state. Upon transfer, USD 115 will be eligible for transportation funding as the home district of this area. USD 115 has purchase additional vehicles and busses to accommodate the transportation of its students, including out-of-district students in the Petitioned Area for whom the district does not receive transportation funding.

(6) food service;

Upgrades to USD 115 attendance center cafeterias included in the $24 million bond issue upgrades expected to be completed in August 2024 will enhance accommodation of the 75% of students in the Petitioned Area already attending USD 115.

(7) administration and teachers;

USD 115 has accommodated the now 78 of 104 students living in the Petitioned Area for several years with existing staff resources. Transfer of the Petitioned Area to USD 115 would allow the district to derive ad valorem revenue from this area, ensuring that expanded local option budget revenues can support overall budget strategies that prioritize educational services provided by USD 115 administration and teachers.

(8) areas of interest including access and distances for parents to travel to participate in student activities;

The vast majority of students residing in the Petitioned Area (75%) already attend USD 115, and those families share governmental, cultural, religious, recreational, economic, and other affinities with Nemaha County residents. The Nemaha County seat and USD 115 district and school facilities is Seneca, Kansas, and the Petitioned Area is closer in driving distance and time to Seneca, Kansas than to similar resources in Sabetha, Kansas, the site of USD 113 district and school headquarters. Additionally, residences in the Petitioned Area access Seneca, Kansas on more safe and direct routes compared to access to Sabetha, Kansas, given that Seneca is accessible by a well-maintained state highway, while the most direct route to Sabetha is accessed by a county road with no dividing lines. The parcels of the Petitioned Area closest to Sabetha are still equal in distance and time to Seneca, while the vast majority of parcels within the Petitioned Area are closer to Seneca.

(9) matters of commerce, including regular shopping areas, meeting places, community activities and youth activities;

Nemaha County Seat. The Petitioned Area exists completely within the northern and eastern parts of Nemaha County, Kansas. The county seat of Nemaha County is Seneca, Kansas. Seneca, Kansas is also the location of the USD 115 District Office and attendance centers, including Nemaha Central High School, Nemaha Central Elementary and Middle School, and Marshall-Nemaha Special Education Co-op. As a result, the center for public and governmental activities for families and landowners in the Petitioned Area is Seneca, Kansas, where families in the Petitioned Area pay their taxes, register their vehicles, and vote. Additionally, families and students in the Petitioned Area obtain and renew their driving permits and licenses at the DMV extension at the Nemaha County Treasurer's Office in Seneca, Kansas.

Shopping. Bern, Kansas and rest of the Petitioned Area do not have a grocery store, so most families from the Petitioned Area do grocery and other daily shopping in and around Seneca.

Hospital. Nemaha Valley Community Hospital is in Seneca, Kansas, and is closer to the parcels in the Petitioned Area than other area hospitals, including Sabetha Community Hospital.

Family and Youth Activities. The Petitioned Area is closer to centralized family and youth activities in the area's home county seat in Seneca than similar resources and activities in Sabetha. The Seneca Aquatic Center, 4-H and the Nemaha County Fair, all service the families in the Petitioned Area. Families in the Petitioned Area access Parks and Recreation activities like youth and adult basketball, baseball, softball, blastball, flag football, t-ball, soccer, and volleyball, before eventually beginning middle school and high school sports at USD 115 Nemaha Central. Additionally, many families from the Petitioned Area attend worship or other religious services in and around Seneca, including NorthRidge Church, Seneca United Methodist Church, Saints Peter and Paul Catholic Church, and New Hope Baptist Church.

Catholic K-8 School. Saints Peter and Paul Catholic School is a K-8 Catholic parochial school in Seneca, Kansas. Graduating eighth graders from this school attend USD 115 Nemaha Central for high school. The Petitioned Area has been home to many of these families historically, and the Petitioned Area currently has two students attending Saints Peter and Paul Catholic School in Seneca who are expected to attend USD 115 for high school.

(10) districts that are landlocked with changing demographics that cause declining enrollment; and

As a result of school closures in Bern (2013) and Wetmore (2023), as well as other demographic and geographical factors, USD 113 (giving district) has experienced declining enrollment in the Petitioned Area as the vast majority (75%) of students in the Petitioned Area have enrolled out-of-district in USD 115. The original inclusion of the Petitioned Area in USD 113 as a result of USD 113's consolidation with former USD 488 Axtell-Bern-Summerfield in 2010 no longer reflects the enrollment trends of the region, especially after USD 113's closure of the Bern attendance centers in 2013.

Beginning in FY 2012-2013, USD 115 had 55 out-of-district students, nearly all of whom resided in the Petitioned Area. That number dropped to 41 in FY 2013-14, before steadily climbing each year. Between 2018 and 2023, USD 115 has educated an average of 84 out-of-district students, the vast majority of which have been from the Petitioned Area due to proximity and various other factors discussed herein.

USD 113 attendance centers in Axtell and Sabetha have not been feasible educational options for the vast majority of students in the Petitioned Area since 2013, a reality

that is reaffirmed and renewed every enrollment year when new families and students in the Petitioned Area choose to enroll in USD 115.

(11) effect on students living in the area.

As a result of the variety of factors discussed above, the vast majority of families and students in the Petitioned Area have chosen to enroll in USD 115 for the past 10+ years. These enrollment trends have grown despite the complete lack of transportation funding and ad valorem revenue USD 115 derives from the Petitioned Area. The transfer of the Petitioned Area to USD 115 would have significant positive effects on the students and families in the Petitioned Area since the school district servicing most students in the area would receive more equitable funding streams to enhance and expand educational resources.

The foregoing shall not be deemed to limit the factors which the state board of education may consider.

Additional factors in favor of land transfer include, but are not limited to: 1) ability for families in Petitioned Area to have democratic representation on school board issues in USD 115; 2) ability for families and landowners to see their ad valorem *tax revenues support the school district (USD 115) educating vast majority of students in the area; 3) inclusion of Petitioned Area in USD 115 would create a more proportionate radial geographical layout of the district, giving that Seneca, Kansas is in the center of the proposed new district lines for USD 115; 4) periodic adjustment of school district lines is consistent with other governmental redistricting principles, including decennial census considerations mandated by United States and state law; 5) approval of land transfer correcting the development of chronic "out-of-district" enrollment trends in USD 115 would incentivize other districts in state to "wait and see" before petitioning for land transfer based on a singular event; 6) equitable distribution of land that reflects short- and long-term enrollment trends and landowner preferences in the Petitioned Area.*

EXHIBIT D

COMPARISON OF DISTRICTS
(BEFORE TRANSFER)

		USD No. 115	USD No. 113
Area (Sq. Miles):		222	543
Enrollment:		636*	921
Assessed Valuation:		$102,867,878	$148,651,979
Tax Levy:		58.302	48.261
Teachers (FTE):		62.00	76.7
Enrollment by Grade:	K	52	72
	1	56	71
	2	45	69
	3	46	76
	4	43	64
	5	44	73
	6	41	69
	7	32	66
	8	52	69
	9	68	62
	10	56	62
	11	49	75
	12	52	68

**USD 115 serves at least 78 of the 104 students (75%) who live in the petitioned USD 113 territory. The majority of these students transferred to USD 115 due to either the Bern or Wetmore school closures.*

EXHIBIT E

COMPARISON OF DISTRICTS
(AFTER TRANSFER)
ESTIMATE

		USD No. 115	USD No. 113
Area (Sq. Miles):		299.71	465.29
Enrollment:		636*	921
Assessed Valuation:		$117,203,855	$134,316,002
Tax Levy:		58.302	48.261
Teachers (FTE):		62.00	76.7
Enrollment by Grade:	K	52	72
	1	56	71
	2	45	69
	3	46	76
	4	43	64
	5	44	73
	6	41	69
	7	32	66
	8	52	69
	9	68	62
	10	56	62
	11	49	75
	12	52	68

**USD 115 serves at least 78 of the 104 students (75%) who live in the petitioned USD 113 territory. The majority of these students transferred to USD 115 due to either the Bern or Wetmore school closures.*

Blumberg No. 5208
EXHIBIT
H

LEGAL DESCRIPTION FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS NO.113 AND NO.115.

MARSHALL AND NEMAHA COUNTIES

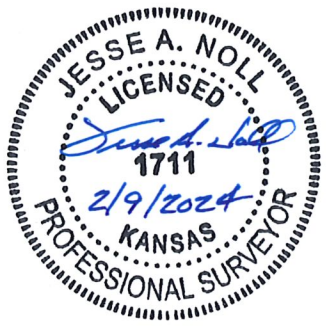
NEW OVERALL BOUNDARY U.S.D. NO.115

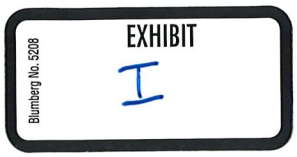
BEGINNING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M., ALSO BEING THE CORNER OF MARSHALL AND NEMAHA COUNTIES AND THE KANSAS-NEBRASKA STATE LINE; THENCE EAST 16 MILES ALONG THE KANSAS-NEBRASKA STATE LINE TO THE NORTHEAST CORNER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 7 MILES TO THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 2 MILES; THENCE SOUTH 11 MILES TO THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST 1 ½ MILES; THENCE SOUTH 1 MILE; THENCE WEST ½ MILE TO THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 2 MILES; THENCE WEST 2 MILES TO THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 1 MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ¼ MILE; THENCE WEST ½ MILE; THENCE NORTH ¼ MILE; THENCE WEST 3 MILES; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE EAST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE WEST 1 MILE TO THE CENTER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 12 EAST OF THE 6TH P.M.; THENCE NORTH 3 MILES; THENCE EAST ½ MILE; THENCE NORTH 2 ½ MILES TO THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 12 EAST OF THE 6TH P.M.; THENCE WEST 2 MILES; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST 1 MILE; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 1 MILE TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE SOUTH 1 MILE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 1 MILE TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE NORTH 2 MILES; THENCE WEST 1 MILE TO THE MARSHALL AND NEMAHA COUNTY LINE; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE WEST ½ MILE; THENCE NORTH 1 ½ MILES TO THE CENTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE EAST ½ MILE TO THE MARHSALL AND NEMAHA COUNTY LINE; THENCE NORTH ½ MILE ALONG SAID COUNTY LINE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE; THENCE EAST ½ MILE TO THE MARSHALL AND NEMAHA COUNTY LINE; THENCE NORTH 1 MILE ALONG SAID COUNTY LINE TO THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE WEST ¾ MILE; THENCE NORTH ½ MILE; THENCE EAST ¾ MILE TO THE MARHSALL AND NEMAHA COUNTY LINE; THENCE NORTH 1 ½ MILES ALONG SAID COUNTY LINE; THENCE EAST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE TO

THE MARSHALL AND NEMAHA COUNTY LINE; THENCE NORTH ½ MILE ALONG SAID COUNTY LINE TO THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE EAST ¾ MILE; THENCE NORTH 1 ½ MILES; THENCE EAST ¾ MILE; THENCE NORTH ½ MILE; THENCE EAST ¾ MILE; THENCE NORTH 1 MILE; THENCE EAST ¼ MILE TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE; THENCE WEST 1 ½ MILES TO THE MARHSALL AND NEMAHA COUNTY LINE AND TO THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE NORTH 5 MILES ALONG THE MARSHALL AND NEMAHA COUNTY LINE TO THE POINT OF BEGINNING.

THE ABOVE CONTAINS 304.61 SQUARE MILES, MORE OR LESS.

I, JESSE A. NOLL, PROFESSIONAL SURVEYOR, KANSAS LICENSE #1711, DO HEREBY CERTIFY THAT THE REVISED BOUNDARY DESCRIPTION SET FORTH ABOVE IS A TRUE AND CORRECT DESCRIPTION OF THE OFFICIAL BOUNDARY OF UNIFIED SCHOOL DISTRICT NO. 115 IN THE EVENT THE PROPOSED PETITION/AGREEMENT TO TRANSFER TERRITORY FROM UNIFIED SCHOOL DISTRICT NO. 113 TO UNIFIED SCHOOL DISTRICT NO. 115 IS APPROVED BY THE STATE BOARD OF EDUCATION.





LEGAL DESCRIPTIONS FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS NO.113 AND NO.115.

MARSHALL, NEMAHA, BROWN, AND JACKSON COUNTIES

NEW OVERALL BOUNDARY U.S.D. NO.113

(WEST AREA – 128.61 SQUARE MILES, MORE OR LESS)

BEGINNING AT THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 8 EAST OF THE 6TH P.M.; THENCE EAST 14 MILES ALONG THE KANSAS-NEBRASKA STATE LINE TO THE MARSHALL AND NEMAHA COUNTY LINE AND THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE SOUTH 5 MILES ALONG SAID COUNTY LINE TO THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE EAST 1 ½ MILES; THENCE NORTH ¼ MILE; THENCE EAST ½ MILE; THENCE NORTH ¼ MILE; THENCE EAST ½ MILE; THENCE SOUTH ½ MILE TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE WEST ¼ MILE; THENCE SOUTH 1 MILE; THENCE WEST ¾ MILE; THENCE SOUTH ½ MILE; THENCE WEST ¾ MILE; THENCE SOUTH 1 ½ MILES; THENCE WEST ¾ MILE TO THE MARHSALL AND NEMAHA COUNTY LINE AND THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE EAST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE TO THE MARSHALL AND NEMAHA COUNTY LINE; THENCE SOUTH 1 ½ MILES ALONG SAID COUNTY LINE; THENCE WEST ¾ MILE; THENCE SOUTH ½ MILE; THENCE EAST ¾ MILE TO THE MARSHALL AND NEMAHA COUNTY LINE AND THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE SOUTH 1 MILE ALONG SAID COUNTY LINE; THENCE WEST ½ MILE; THENCE SOUTH 1 MILE; THENCE EAST ½ MILE TO THE MARSHALL AND NEMAHA COUNTY LINE; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE WEST ½ MILE TO THE CENTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE SOUTH 1 ½ MILES; THENCE WEST 3 ½ MILES; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ¼ MILE; THENCE EAST ½ MILE; THENCE NORTH ¼ MILE TO THE NORTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE WEST 1 ½ MILES; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE EAST 1 MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE TO THE CENTER OF SECTION 1, TOWNSHIP 3 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE NORTH ½ MILE; THENCE EAST ½ MILE; THENCE NORTH 3 MILES TO THE SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE NORTH 2 ½ MILES TO THE CENTER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE EAST ½ MILE; THENCE NORTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE TO THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE WEST 2

MILES; THENCE NORTH 1 MILE; THENCE EAST ½ MILE; THENCE NORTH ¾ MILE; THENCE EAST ½ MILE; THENCE SOUTH ¼ MILE; THENCE EAST ½ MILE TO THE CENTER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE EAST 1 ¼ MILE; THENCE NORTH ½ MILE; THENCE EAST ¼ MILE; THENCE NORTH ½ MILE; THENCE WEST 1 ½ MILES TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH 1 MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE; THENCE NORTH 1 MILE; THENCE WEST 1 MILE; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE TO THE SOUTHEAST CORNER OF SECTION 18, TOWNSHIP 1 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE NORTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH 2 MILES; THENCE EAST ½ MILE; THENCE SOUTH ½ MILE TO THE CENTER OF SECTION 31, TOWNSHIP 1 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE WEST 1 ½ MILES; THENCE NORTH ½ MILE; THENCE WEST ¾ MILE; THENCE NORTH 1 MILE; THENCE WEST ½ MILE; THENCE SOUTH 1 MILE TO THE SOUTHEAST CORNER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 8 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE; THENCE NORTH 1 MILE; THENCE EAST ½ MILE; THENCE NORTH ½ MILE; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 3 EAST OF THE 6TH P.M.; THENCE WEST 1 ½ MILES; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE; THENCE EAST 2 MILES; THENCE NORTH ¼ MILE; THENCE EAST 1 MILE; THENCE NORTH ¼ MILE TO THE NORTHEAST CORNER OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 8 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE NORTH 1 MILE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE TO THE POINT OF BEGINNING.

AND

(EAST AREA – 178.51 SQUARE MILES, MORE OR LESS)

BEGINNING AT THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 8 MILES ALONG THE KANSAS-NEBRASKA STATE LINE TO THE NEMAHA AND BROWN COUNTY LINE; THENCE CONTINUING EAST 6 MILES ALONG THE KANSAS-NEBRASKA STATE LINE TO THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE EAST ½ MILE TO THE CENTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 16 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE TO THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 16 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE; THENCE SOUTH ½ MILE; THENCE EAST ½ MILE TO THE CENTER OF SECTION 18, TOWNSHIP 1 SOUTH, RANGE 16 EAST OF THE 6TH P.M.; THENCE NORTH ½ MILE; THENCE EAST ½ MILE; THENCE SOUTH ½ MILE; THENCE EAST 1 ½ MILES; THENCE SOUTH 1 MILE TO THE CENTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 16 EAST OF THE 6TH P.M.; THENCE WEST 1 ½ MILES; THENCE SOUTH ½ MILE; THENCE EAST 1 MILE; THENCE SOUTH 1 MILE; THENCE WEST 1 MILE; THENCE SOUTH ½ MILE TO THE

NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 16 EAST OF THE 6TH P.M.; THENCE EAST ¼ MILE; THENCE SOUTH 1 MILE; THENCE WEST ¼ MILE; THENCE NORTH ½ MILE; THENCE WEST 1 MILE; THENCE SOUTH 1 MILE TO THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 16 EAST OF THE 6TH P.M.; THENCE EAST 1 ¼ MILE; THENCE SOUTH ½ MILE; THENCE WEST ¾ MILE; THENCE SOUTH 1 ½ MILES TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 16 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE WEST 1 ½ MILES; THENCE NORTH ½ MILE; THENCE WEST 1 MILE; THENCE SOUTH ½ MILE TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE; THENCE SOUTH 4 ½ MILES; THENCE WEST ¼ MILE; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 1 MILE TO THE NEMAHA AND BROWN COUNTY LINE; THENCE SOUTH ¼ MILE ALONG SAID COUNTY LINE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE TO THE CENTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE EAST ½ MILE TO THE NEMAHA AND BROWN COUNTY LINE; THENCE SOUTH 2 ½ MILES ALONG SAID COUNTY LINE; THENCE EAST ¼ MILE; THENCE SOUTH ½ MILE; THENCE EAST 2 ¼ MILES TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH 1 MILE; WEST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE EAST ¼ MILE; THENCE SOUTH ¾ MILE TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE EAST APPROXIMATELY 9/16 MILE TO HIGHWAY 75; THENCE SOUTH ½ MILE ALONG SAID HIGHWAY 75; THENCE EAST APPROXIMATELY 1 7/16 MILES TO THE CENTER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH 1 ¾ MILES; THENCE WEST ½ MILE; THENCE SOUTH ¾ MILE TO THE BROWN AND JACKSON COUNTY LINE; THENCE WEST 1 ¼ MILES ALONG SAID COUNTY LINE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE; THENCE SOUTH 1 ½ MILES TO THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 2 MILES; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE; THENCE SOUTH 1 MILE; THENCE EAST ¼ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE EAST 1 MILE; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE TO THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 6 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ½ MILE; THENCE WEST ¾ MILE; THENCE NORTH 1 MILE TO THE NEMAHA AND JACKSON COUNTY LINE; THENCE WEST 2 ¼ MILES ALONG SAID COUNTY LINE TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE

6TH P.M.; THENCE NORTH ½ MILE; THENCE WEST 1 ¼ MILES; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ¾ MILE; THENCE EAST 1 MILE; THENCE SOUTH ¼ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE WEST 3 MILES ALONG SAID COUNTY LINE; THENCE NORTH 1 MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE NORTH ½ MILE; THENCE EAST ¼ MILE TO THE NORTHWEST CORNER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH ¼ MILE; THENCE EAST ¼ MILE; THENCE NORTH ¼ MILE; THENCE EAST ¼ MILE; THENCE NORTH ½ MILE; THENCE WEST 1 MILE TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 1 MILE; THENCE NORTH 2 MILES; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 4, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE; THENCE EAST ½ MILE; THENCE NORTH 2 MILES TO THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 2 MILES; THENCE NORTH 2 MILES TO THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST ½ MILE; THENCE NORTH 1 MILE; THENCE EAST 1 ½ MILE TO THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH 11 MILES TO THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST 2 MILES; THENCE NORTH 7 MILES TO THE POINT OF BEGINNING.

THE ABOVE EAST AND WEST DESCRIPTIONS CONTAIN 307.12 SQUARE MILES, MORE OR LESS, IN TOTAL.

I, JESSE A. NOLL, PROFESSIONAL SURVEYOR, KANSAS LICENSE #1711, DO HEREBY CERTIFY THAT THE REVISED BOUNDARY DESCRIPTION SET FORTH ABOVE IS A TRUE AND CORRECT DESCRIPTION OF THE OFFICIAL BOUNDARY OF UNIFIED SCHOOL DISTRICT NO. 113 IN THE EVENT THE PROPOSED PETITION/AGREEMENT TO TRANSFER TERRITORY FROM UNIFIED SCHOOL DISTRICT NO. 113 TO UNIFIED SCHOOL DISTRICT NO. 115 IS APPROVED BY THE STATE BOARD OF EDUCATION.

Resolution 2024-004

A RESOLUTION AUTHORIZING FILING OF PETITION WITH KANSAS STATE BOARD OF EDUCATION FOR THE TRANSFER OF CERTAIN LAND FROM USD 113 (PRAIRIE HILLS) TO USD 115 (NEMAHA CENTRAL)

WHEREAS, the USD 115 Board of Education meeting in regular session on February 12, 2024 has considered the matter of petitioning the Kansas State Board of Education pursuant to K.S.A. 72-532 regarding the transfer of certain land as described on Exhibit A attached hereto ("Petitioned Area") from USD 113 (Prairie Hills) to USD 115 (Nemaha Central);

WHEREAS, representatives of USD 115 engaged USD 113 in mediation pursuant to K.S.A. 72-530 on December 5 and 6, 2023, but mediation was unsuccessful;

WHEREAS, upon due consideration, the USD 115 Board of Education has determined that it is in the best interests of its students, including the at least 78 students attending USD 115 who live in the Petitioned Area of the 104 total students living in such area, to seek the transfer of such land;

WHEREAS, having considered the chronic inequities burdening USD 115 taxpayers as a result of USD 115 educating 75% of students in the Petitioned Area, while USD 113 has annually kept 100% of the *ad valorem* tax revenue from the same area for the past 11 years;

WHEREAS, in November 2022, USD 115 passed a bond issue to support district infrastructure and facilities that are functioning at capacity as a result of the influx in students residing in the Petitioned Area who attend USD 115;

NOW THEREFORE, having duly reviewed and considered the Petition By Board of Education of School District No. 115 for Transfer of Territory prepared by USD 115 legal counsel, the USD 115 Board of Education now authorizes the signing and filing of such petition with accompanying exhibits by the USD 115 Board of Education President.

RESOLVED this 12th day of February, 2024, by the USD 115 Board of Education:

Amy Sudbeck, President (Position 1)

Cara Baker, Vice President (Position 2)

VACANT (Position 3)

Jason Kramer, Board Member (Position 4)

Tory Jost, Board Member (Position 5)

John Deters, Board Member (Position 6)

Kris Anderson, Board Member (Position 7)

ATTEST:
Clerk of USD 115 Board of Education

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BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of the	)	
Petition to Transfer Territory	)	**File No. 24-PTT-01**
From USD 113 (Prairie Hills)	)	
To USD 115 (Nemaha Central)	)	

Motion to Dismiss by USD 113 (Prairie Hills)

Unified School District No. 113, Prairie Hills (USD 113) moves to dismiss the unilateral petition for transfer of territory filed by Unified School District No. 115, Nemaha Central (USD 115). The petition should be summarily dismissed because there has been no material change in circumstances justifying the taking of land by USD 115 from USD 113. In the absence of a material change in circumstances warranting further consideration of the petition, the petition should be summarily dismissed and save the parties and the Kansas State Board of Education (KSDE) the time and expense of preparing for and conducting a hearing under K.S.A. 72-532.

Further, Counsel for Petitioner Joshua Ney should be disqualified because the petition conflicts with land transfer agreement between USD 113 and USD 380. USD 115's petition seeks to acquire land transferred from USD 113 to USD 380 pursuant to a mediated agreement in which Mr. Ney also represents USD 380.

1. The petition can and should be summarily denied without a public hearing.

K.S.A. 72-532(a) provides:

> (a) Transfers of territory from one unified district to another unified district shall be made only as follows:
>
> (1) Upon the written agreement of any two boards approved by the state board of education; or
>
> (2) upon order of the state board after petition therefor by one board and a public hearing thereon conducted by the state board of education.

The petition by USD 115 is subject to subsection (a)(2) because it seeks a transfer of territory through petition and not by agreement. The statute, K.S.A. 72-532 does <u>not</u> require a public hearing

before denying a petition for transfer of land. Rather, the text of the statute forbids the transfer of land by petition without a public hearing. In other words, KSDE need not conduct a public hearing before summarily denying the petition by USD 115.

2. There is no material change of circumstances. Because this threshold is not met, the petition should not proceed to public hearing.

Authorization for transfer of territory is accomplished and adjudged under criteria set forth in K.S.A. 72-532. The criteria are acknowledged and discussed in KSDE's Guidelines V for Land Transfers. KSDE Guideline V, § I (Governing Law) and § II (Requests for Land Transfers Considerations). A guiding principle for land transfer is the following requirement:

> To justify taking land, by petition, from one school district and giving it to another, ***a material change in circumstances of a substantial and weighty nature must exist*** so that a reasonable person would recognize that the educational interests of all affected children (inside and outside of the transfer area) could be better served by adjusting district boundaries, without any serious detrimental effect upon students or upon the district from which the land will be transferred.

Id., § II.2 (emphasis added).

USD 115's proffered justification for the land transfer is the closure of the Bern and Summerfield attendance centers in 2012. This closure, 12 years past, is not a change in circumstances. USD 115's petition also points out that USD 115 has routinely accepted out-of-district students since, at least, the closure of the Bern-Summerfield attendance centers in 2012. This, too, is not a change in circumstances.

TIMELINE

1964-65	Sabetha unified with Wetmore (& Goff, Woodlawn, Morrill) forming USD 441.
	Seneca unified with Kelly, Kansas, and Corning, Kansas, forming USD 442 Nemaha Valley.
2009	Nemaha Valley (now Nemaha Central) turned down consolidation with USD 488 (Bern, Axtell, Summerfield).

2010	Sabetha USD 441 consolidated with USD 488 Axtell-Bern-Summerfield, forming Prairie Hills USD 113. Because of contiguity requirements, Prairie Hills USD 113 has lobes north of, and on each side of USD 115 Nemaha Central. Axtell and the western "lobe" of Prairie Hills USD 113 is in Marshall County.
2011	Nemaha Valley USD 442 and B & B USD 451 consolidated to form Nemaha Central USD 115
2012	The USD 113 Board of Education voted to close the schools/attendance centers in Bern and Summerfield.
2014	Nemaha Central USD 115 closed the Baileyville, B&B school.
2015	Legislative Post Audit released a study recommended closure of the Wetmore Attendance Center due potential for $460,000 in savings—enrollment was 170.
2023	(February) USD 113 Board of Education voted to close the Wetmore attendance center.
2023	(December) USD 113 agreed with USD 380 and USD 335 to transfer land affected by closure of Wetmore attendance center from USD 113 to USD 380 and USD 335.

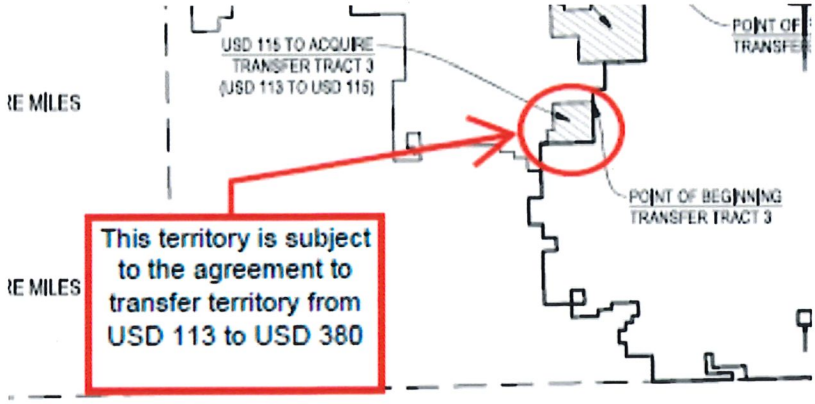
As reflected in USD 115's petition, USD 115 has been accepting an average of 84 out-of-district students annually and accepted 55 out-of-district students in 2013 from the Bern-Summerfield area. Thus, the acceptance by USD 115 of out-of-district students is not a material change of circumstances as that phrase is contemplated by KSDE's Guideline and K.S.A. 72-532.

The closure of the Wetmore attendance center by USD 113 in 2023 is not a material change in circumstances as between Petitioner USD 115 or Respondent USD 113. Of the 120 students that attended Wetmore, two (2) enrolled at USD 115. The land affected by the Wetmore closure is being transferred, by agreement to USD 380 and USD 335.

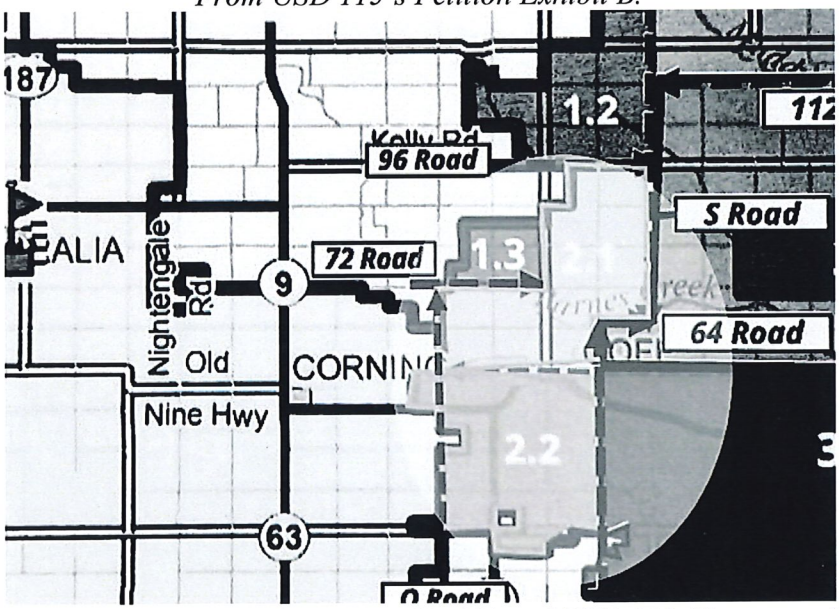
3. The petition creates an unwaivable conflict that requires disqualification.

The petition filed on behalf of USD 115 by counsel Joshua Ney seeks to acquire for USD 115 territory that is the subject of the agreed transfer from USD 113 Prairie Hills to USD 380 Vermillion. A mediated agreement was reached on December 6, 2023, and approved by the Boards

of Education for both USD 113 and USD 380. The southernmost tract of land in USD 115's petition is to be transferred to USD 380 by agreement under K.S.A. 72-532(a)(1).



From USD 115's Petition Exhibit B.



From Mediated Agreement between USD 113 and USD 380 (Copy attached.)p
The territory marked as 1.3, 2.1, and 2.2 are to be transferred from USD 113 to 380 by agreement. The area marked as 1.3 is also included in the petition for transfer to USD 115.

The petition, seeking the transfer of the same territory to USD 115 presents a concurrent conflict of interest that precludes Mr. Ney from representation. *See* KRPC 1.7(a)(1) ("Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if: (1) the representation of one client

will be directly adverse to another client."); *and see* KRPC 1.7(b)(3) (joint representation of concurrent clients permitted only if, *inter alia* "the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal.").

The attempt by two separate districts represented by Mr. Ney trying to acquire the same territory presents claims of Mr. Ney's clients that are directly adverse to each other in proceedings before the same tribunal. Such adversity between concurrent clients is an unwaivable conflict that precludes continuation of the representation.

David R. Cooper, #16690
Fisher, Patterson, Sayler & Smith, LLP
3550 SW 5th Street | Topeka, KS 66606
Tel (785) 232-7761 | Fax (785) 286-6609
dcooper@fpsslaw.com
Attorney for USD 113 (Prairie Hills)

Certificate of Service

This certifies that on February 23, 2024, a true and correct copy of the foregoing was submitted via email and for e-filing with:

R. Scott Gordon, General Counsel
Office of the General Counsel
KANSAS STATE DEPARTMENT OF EDUCATION
900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
Tel: (785) 296-3204
sgordon@ksde.org; Cheryl D. Austin caustin@ksde.org
Kansas State Board of Education

and a copy served via email to:

Joshua A. Ney, KS #24077
Ryan A. Kriegshauser, KS #23942
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Attorneys for USD 115 (Nemaha Central)

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/s/David R. Cooper

ADR ASSOCIATES IN DISPUTE RESOLUTION, LLC
Mediation | Arbitration | System Design

www.adrmediate.com
212 SW 8th Avenue, Suite 207
Topeka, KS 66603

MEMORANDUM OF SETTLEMENT AGREEMENT

CASE CAPTION: In re Land Transfer USD 113 to USD 380

COURT: _____ CASE NUMBER: _____ DIVISION: _____

THE ABOVE REFERENCED MATTER WAS MEDIATED AND SETTLEMENT WAS REACHED THE TERMS ARE AS FOLLOWS:

Subject to approval by the Boards of Education of USD 380 and USD 113 and approval by the Kansas State Board of Education, the territory identified in the areas in the shaded areas 2.1, 2.2 and 1.3 of the attached map/diagram will be transferred from USD 113 to USD 380 effective July 1, 2024. USD 380, as the petitioning district shall bear the cost of securing the necessary boundary descriptions and abstractor certification.

The parties hereto acknowledge that each has the authority to execute this document to be fully binding on behalf of the person or entity indicated.

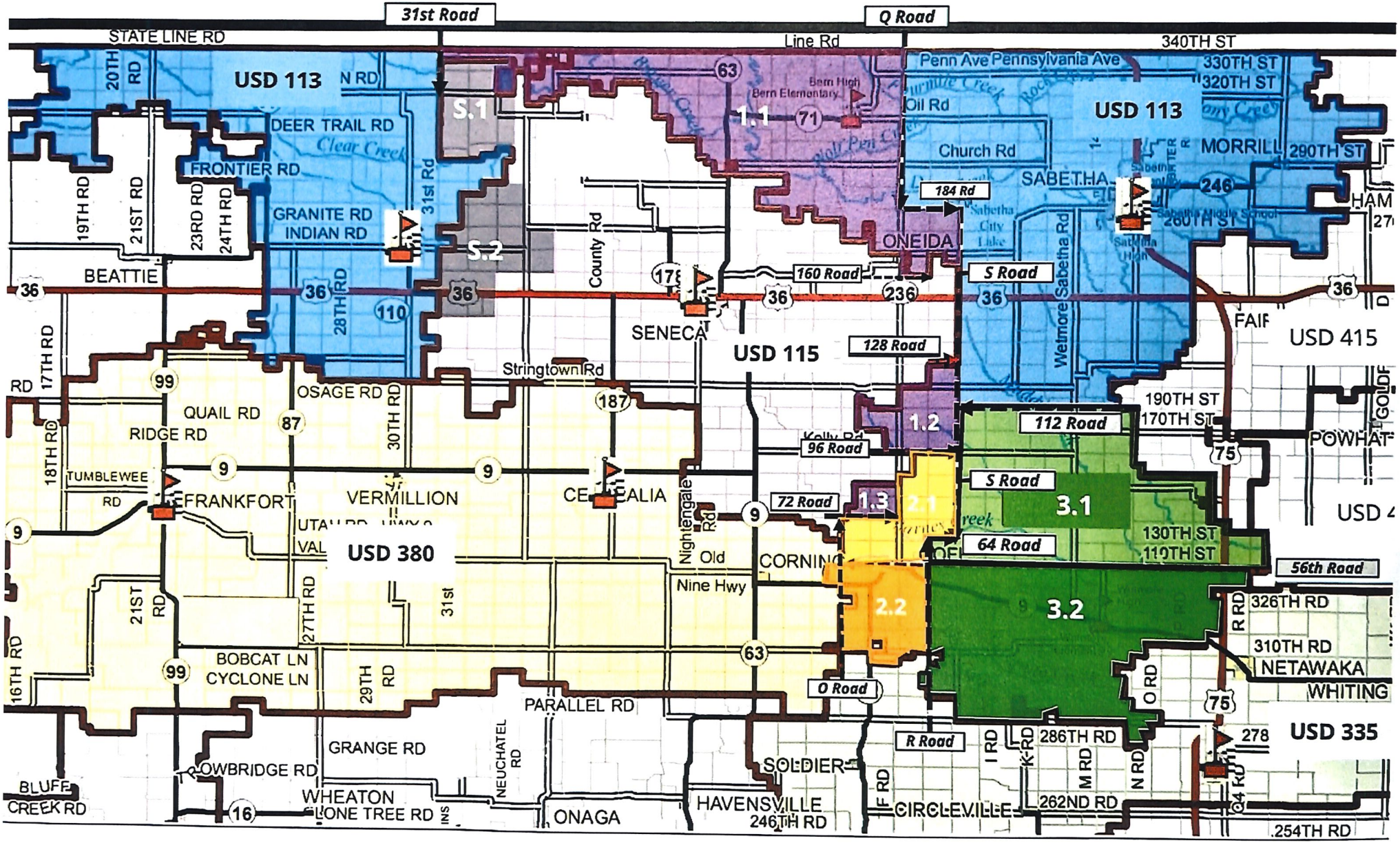
The parties intend this agreement to be binding and enforceable and, if necessary, this document can be introduced into evidence to enforce its terms. They further acknowledge and agree that, within a reasonable period of time hereafter they will enter into a formal settlement agreement setting forth in more detail the terms of the agreement including the amount of any and all payments and an agreement to release, discharge, and forever hold the other harmless from any and all rights and/or claims and to dismiss causes of action arising from or related to the events and transactions which are subject matter of this case.

Signed at Topeka, Kansas/ Missouri, this 6th day of December, 2023.

USD 380

USD 113

13 Land Transfer Discussion – September 2023



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BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of the	)	
Petition to Transfer Territory	)	**File No. 24-PTT-01**
from USD 113 (Prairie Hills)	)	
to USD 115 (Nemaha Central)	)	

PETITIONER'S RESPONSE TO USD 113 (PRAIRIE HILLS) MOTION TO DISMISS

COMES NOW Petitioner USD 115 (Nemaha Central) and in opposition to Respondent USD 113 (Prairie Hills) Motion to Dismiss ("Motion to Dismiss"), submits the following arguments and authorities. Based thereon, Petitioner respectfully requests that the Kansas Board of Education ("State Board") DENY the Motion to Dismiss for the following reasons:

INTRODUCTION

Respondent's Motion to Dismiss should be denied because the statutory process for land transfer by petition under K.S.A. 72-532 requires a public hearing to be held by the State Board. Moreover, the Petition by Board of Education of Unified School District No. 115 for Transfer of Territory ("Petition") has met basic notice pleading standards by articulating material reasons for transfer based on the express statutory standards listed in K.S.A 72-532(d). The Petition also included the extensive documentation required by Kansas State Board of Education Land Transfer Guidelines ("Guidelines").

The Petition also lists several other considerations supporting transfer based on additional discretionary factors listed as examples in the Guidelines and other general equity and representation principles. Specifically, while not required to be considered by the State Board under K.S.A. 72-532, the Petition lists several material changes in circumstances that have contributed to the chronic inequity of land allocation between USD 113 and USD 115.

As a general matter, periodic reconsideration of equitable division of land between districts is consistent with basic principles of representative government and the fundamental redistricting functions of federal, state, and local government based on decennial population patterns. Finally, USD 113's allegation that legal counsel for USD 115 has an unwaivable concurrent conflict is without merit because no current conflict exists, and in any event, the standards for concurrent representation required by KRPC 1.7(b) are met.

ARGUMENTS AND AUTHORITIES

1. Standards for Motion to Dismiss; Notice Pleading

Ruling on a motion to dismiss, a tribunal must accept the well-pleaded facts in the petition and inferences reasonably drawn from them in the best light for the plaintiff and then ask whether those representations and inferences would warrant relief for the plaintiff. See *Endres v. Young*, 55 Kan.App.2d 497 (2018) (affirming dismissal). However, "[w]hen a defendant uses K.S.A. 60-212(b)(6) to challenge the legal sufficiency of a claim, the court must decide the issue based only on the well-pled facts and allegations, which are generally drawn from the petition." *Steckline Communications, Inc. v. Journal Broadcast Group of Kansas, Inc.*, 305 Kan. 761, 767-68, (2017) (emphasis added).

While the present case is not a civil claim, nor is it postured before the tribunal under the Kansas Rules of Civil Procedure, basic gatekeeping principles articulated by Kansas courts regarding basic notice pleading thresholds are instructive.

> With the advent of the rules of civil procedure, a pleading requires only a short and plain statement of the claim showing that the pleader is entitled to relief and a demand for judgment. See K.S.A. 2020 Supp. 60-208(a). "There is no requirement to state facts sufficient to constitute a cause of action. [Citation omitted.] All the rules require is a short and plain statement of a claim that will give the defendant fair notice of what the plaintiff's claim is and the ground upon which it rests." *Rinsley v. Frydman*, 221 Kan. 297, 301-02, 559 P.2d 334 (1977). Notice pleading

> requires liberal interpretation of the pleadings and relies on discovery to fill in gaps. See Montoy v. State, 275 Kan. 145, 149, 62 P.3d 228 (2003).

H.B. v. M.J., 315 Kan. 310, 318, 508 P.3d 368, 374 (2022) (affirming denial of motion to dismiss).

The Petition seeks discretionary recourse from the Kansas State Board of Education ("State Board") pursuant to K.S.A. 72-532. Upon filing of a petition for land transfer, the statute requires the State Board to: 1) publish notice of a public hearing on the petition; 2) conduct a public hearing; 3) consider the non-exclusive list of statutory factors; and 4) issue an order approving or disapproving the transfer petition, or approving the same with appropriate amendments. *See* K.S.A. 72-532(c)-(e). The statute does not contemplate dismissal of complaints, nor do the Guidelines.

Moreover, general notice pleading standards inform a petitioner's duty under K.S.A. 72-532 and the Guidelines. Here Petitioner has complied with the basic standards articulated both in K.S.A. 72-532 and the Guidelines and has included the extensive documentation contemplated by the Guidelines. As further discussed below, Petitioner has articulated specific reasons for the equity and reasonableness of its request under the express statutory factors and has articulated rationale for transfer under additional factors, including those listed within the Guidelines. As a result, Petitioner has a statutory right to redress from the State Board in the form of a public hearing and formal consideration of the Petition.

2. *Material Change in Circumstances*

The legislative intent regarding rationale for land transfer is clear from the express factors listed in K.S.A. 72-532. This statute mandates the Board's consideration of eleven express factors:

> (d) Prior to issuing an order, the state board shall consider the following:

(1) City boundaries and the area within three miles surrounding any city with more than one district in the area;

(2) available capacity of districts involved in the territory transfer to serve existing or additional students;

(3) condition and age of buildings and physical plant;

(4) overall costs including renovation of existing buildings versus construction;

(5) cost of bussing;

(6) food service;

(7) administration and teachers;

(8) areas of interest including access and distances for parents to travel to participate in student activities;

(9) matters of commerce, including regular shopping areas, meeting places, community activities and youth activities;

(10) districts that are landlocked with changing demographics that cause declining enrollment; and

(11) effect on students living in the area.

See K.S.A. 72-532(d) (emphasis added). The Statute also allows for the consideration of additional non-express factors: "The foregoing shall not be deemed to limit the factors which the state board of education may consider." *See id.*

Respondent USD 113 seeks dismissal based on its allegation that "USD 115's proffered justification for the land transfer is the closure of the Bern and Summerfield attendance centers in 2012" and that "this closure, 12 years past, is not a change in circumstances." *See* Motion to Dismiss at 2. The consideration of the existence of a "material change in circumstances of a substantial and weighty nature" is included within the Guidelines as one of three additional factors that the State Board *may* consider as part of the non-express factors contemplated by K.S.A. 72-532. The Guidelines proceed to state that "the type of change in circumstances that justifies a transfer of land by petition is difficult to describe in the abstract." Guidelines at 1 (emphasis added). The Guidelines

then list three non-exclusive examples of such difficult-to-describe changes that "may" justify transfer, one of which is a "recent school closing." *See id.*

As further discussed below, Petitioner strongly contends that the circumstances involved in this matter as articulated in the Petition exemplify material changes in circumstances that justify transfer. But as a threshold matter, summary dismissal of the Petition based on a non-statutory factor listed within the Board's Guidelines as something the Board may consider is completely inappropriate when the Petition has otherwise clearly articulated transfer rationale under the eleven express statutory factors the Board is required to consider.

With that said, the Petition clearly states several material changes in circumstances that would cause a reasonable person to conclude that transfer would generally advance the educational interests of all affected children (inside and outside of the transfer area), without serious detriment to the students or district from which the land will be transferred. These material changes include, but are not limited to:

1) Systemic annual out-of-district enrollment of 75% of students from the Petitioned Area in USD 115;

2) USD 115 operating at capacity to the point that a $24 million bond issue was passed effective January 2023 to expand capacity and further accommodation of students currently living within USD 113;

3) Previous school closures that have led to the continuing exodus of students from USD 113 to USD 115.

These material changes are significant and justify a transfer that would enhance the educational interests of all students, especially those in the transferred area. Moreover, the systemic funding inequities caused each year by the new enrollment of 78 of 104 students in USD 115 is akin to a "continuing offense" under criminal law principles. Every year families choose to newly enroll or reenroll their children in USD 115 while paying taxes to USD 113 renews the educational inequity within the region. The creation of a *de facto* "vassal state" within

the Petitioned Area that includes a majority of taxpaying landowners and resident families that want to leave USD 113, justifies periodic reconsideration of district boundaries.

Moreover, the adoption of a $24 million bond issue in January 2023 by USD 115 taxpayers to expand facilities and resources in accommodation of the 78 of 104 students in the Petitioned Area is a material change in circumstances akin to the closure of a school. Both are discretionary acts (although the closure of a school does not require approval by the electors). Both are measures sought by school districts to improve the financial position of the district. Both are difficult decisions by school districts related to the stewardship of taxpayer dollars in the performance of educational mandates imposed on school districts by our state constitution. Both were caused in this case based on enrollment trends.

When USD 113 determined it needed to close the Bern and Summerville attendance centers in 2013 shortly after consolidating with Axtell-Bern-Summerfield, it did so to advance educational interests within the financial realities it faced at the time. Similarly, when USD 115 ultimately needed to pass a $24 million bond issue in January 2023 because it found itself at the capacity breaking-point due to the chronic exodus of students from the Bern and Summerfield areas, it did so to advance educational interests of its students, including the vast majority of students in the Petitioned Area that attend USD 115, with the additional resources approved by its electors. This is not merely a "change in school district property taxes," but rather represents a significant financial decision of a district that is the "equal and opposite reaction" of a school closure by a neighboring district. So bond issues, like the January 2023 USD 115 bond issue, that are directly related to the effect on a district by significant out-of-district enrollment trends caused by neighboring district decisions constitute a "material change in circumstances of a substantial and weighty nature that a reasonable person would recognize that the educational

interests of all affected children (inside and outside of the transfer area) could be better served by adjusting district boundaries, without any serious detrimental effect upon students or upon the district from which the land will be transferred."

3. *Dismissal based on an arbitrary "statute of limitations" standard will discourage a prudent "wait and see" approach in other situations.*

Even absent an isolated event like a "recent school closure" or natural barrier change, the State Board should strive toward equitable allocation of land between districts. The eleven express factors in K.S.A. 72-532 reflect these general considerations that must be weighed by the state board when determining the equitable distribution of land on a regional basis. The State Board must consider city boundaries, district capacities, condition of facilities, transportation costs, food service, administration and teachers, community areas of interest, matters of commerce, and changing demographics that cause declining enrollment. Perhaps most importantly, the State Board must consider the effect on a land transfer on students living in the area. These are considerations driven by changing circumstances over time, and an arbitrary insistence on a "single event" causing gross inequities is akin to fighting a forest fire by looking for the match.

Moreover, procedural insistence on a single isolated event will encourage other districts in the state to take a reactionary "use-it-or-lose-it" approach and would discourage prudence and patience in seeing how any number of local factors and decisions affect enrollment trends. USD 115 chose not to seek land transfer immediately after the closure of the Bern and Summerfield school districts in 2013, opting instead for a "wait-and-see" approach. This approach ultimately inured to significant financial benefit of USD 113, as USD 113 has continued to derive *ad valorem* taxes and transportation funding from the Petitioned Area for over 11 years. Insistence

on a *de facto* "statute of limitations" for land transfers based on a singular event, rather than regional trends, district decisions, and financial developments over time, will encourage reactionary petitions that seek recourse before the full effect of isolated events are realized.

4. Redrawing district boundaries to reflect population realities is consistent with constitutional principles and preferable for representative governance.

Grouping citizens into districts is a consistent feature of democratic governments. The Kansas Constitution organizes our state into counties and townships. Kansas Constitution, Article 9. Counties and townships have, effectively, fixed boundaries, but may be changed. *Id.* Empowered by the people through the Kansas Constitution, the Legislature further subdivides our state into political and functional units including water districts (K.S.A. Chapter 82a), various political subdivisions (K.S.A. Chapters 4 and 25), and school districts (K.S.A. Chapter 72). Legislatively created subdivisions are more malleable than constitutionally created subdivisions and may be reshaped based on practical concerns, growth or decline in populations, movement of the populace, or the will of the electorate. See K.S.A. 82a-602 and 639 (petition for organization of water district and consolidation statutes), K.S.A. Chapter 4 (apportionment statutes for legislative, congressional, judicial, representative, senatorial, and state board of education districts), and K.S.A. 72-501 *et. seq.* (school district organizations statutes, relevant here).

By way of example, the boundaries of water districts across Kansas were formed under Chapter 82a for various reasons. Some boundaries were formed for efficiency. Some were formed for community. Some were formed for necessity. In all cases, the people petitioning for the water districts came together to organize a political subdivision where their tax dollars would

go towards providing them an indispensable service through a board elected by them. See K.S.A. 82a-601 *et. seq*.

The boundaries of the political representative districts in the three main branches of government are drawn based upon population and constitutional principles. These apportionment rules have developed over time and include the overarching principles of non-discrimination, equality, and fairness. See U.S. Const. Amend. 4 & 15; Ks. Const. Art. 10; Baker v. Carr, 369 U.S. 186, 237 (1962); and *Reynolds v. Sims*, 377 U.S. 533 (1964). The Kansas Supreme Court clarified the apportionment provisions by saying they, "were designed to guard that equality of representation so necessary to protect our citizens against the usurpation of governing power and resulting taxation without representation[.]" *Harris v. Shanahan*, 192 Kan. 183, 204 (1963).

Like water districts, legislative districts, and congressional districts, school districts should reflect their people. Families choose to attend schools based on several factors, including school quality, trust in district administration, transportation safety and proximity, community affiliation, and historic enrollment trends affected by consolidations and school closures. Here, a majority number of families within the Petitioned Area are sending their children to USD 115 but paying taxes and voting for representatives in USD 113.

As discussed above, K.S.A. 72-532 lists factors the State Board must consider. In addition to the factors listed, the State Board should consider traditional redistricting principles from analogous subdivisions like water districts and legislative districts. They include:

1) Is the current district representative of the population within it?
2) Does the current districting promote efficiency?
3) Is the current districting necessary?
4) Does the current districting promote community?

5) Does the current districting include taxation without representation?

6) Does the current districting reflect the practical needs of the electorate?

7) Does the current districting unjustly discriminate against certain individuals?

8) Does the current districting promote equality?

9) Is the current districting fair?

To consider the express statutory factors and others, including principles of representative government, the State Board needs to hold a hearing on the Petition pursuant to K.S.A. 72-532.

5. *Conflict of Interest Allegations*

USD 113 alleges that USD 115 legal counsel Joshua Ney has an "unwaivable conflict" based on the allegation that since USD 115's petition included a small portion of land (Section 1.3) that was included as proposed to be transferred to USD 115 in the July 2023 Joint Proposal by USD 115, 380, and 335, and also included in USD 115's February 15 petition. USD 113 contends legal counsel cannot represent both parties in "seeking" the same land.

The relevant ethical rule regarding concurrent conflicts of interest is KRPC 1.7:

> (a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:
>
> (1) the representation of one client will be directly adverse to another client; or
>
> (2) there is a substantial risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.
>
> (b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:
>
> (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
>
> (2) the representation is not prohibited by law;

(3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and

(4) each affected client gives informed consent, confirmed in writing.

(emphasis added).

The small portion of land at issue in USD 113's argument was originally part of the Joint Proposal sent to USD 113 by USD 115, USD 335, and USD 380 in July 2023 as part of a joint representation strategically advancing the common interests of all three districts. During mediation, USD 113 offered this small portion of land to USD 380 but not to USD 115. Each district at the time, including representatives for USD 115, agreed that USD 380 should accept the land at issue from USD 113 and the agreement should be submitted to the State Board for approval. However, due to the KSDE-imposed deadline for filing a petition for land transfer of February 15, and the need to have multiple certified land descriptions drafted by a professional surveyor, the requests are now overlapping in time for a few months. The decision for USD 380 to accept this land was a joint decision of all three districts as part of the joint representation, but because it requires State Board approval, the land was not officially transferred at the time the USD 115 petition was due.

As a result, USD 115 proceeded with the strategic decision (in cooperation with the other two districts as part of the joint representation) to include this land in its Petition due on February 15, 2024, with the full understanding that it will hopefully be transferred to USD 380 at the April 2024 meeting of the state board, well before USD 115's Petition is considered by the board in June. At the time of the anticipated April 2024 transfer, then, USD 115's request for that land will be moot, since USD 113 would no longer have that land to transfer. However, in the event the State Board does not approve the transfer by agreement from USD 113 to USD 380, USD

115 would have preserved the request for this land as an alternative for the State Board to consider. These joint decisions, informed by procedural realities imposed by the hearing calendar, have preserved all options for each district while fully expecting the issue as to Section 1.3 to be resolved at the April meeting of the State Board if and when the proposed agreement between USD 380 and USD 113 is approved.

While preserving attorney-client privilege, each of the elements in KRPC 1.7(b) are met in this instance. Moreover, USD 115 and USD 380 strategically and procedurally seeking the same land as a result of the deadlines imposed by KSDE does not constitute a "claim" that USD 115 has against USD 380, or vice versa. The requests for land transfer are alternatives for the State Board to consider, and USD 380 and 115 remain in strategic and procedural agreement about the primacy of USD 380's request for transfer of land as part of the mediated agreement, while allowing for USD 115 to seek the same land "in the alternative." Because the Guidelines provide that "a transfer of land by agreement from one school district to another, generally, should be approved by the State Board absent noncompliance with state law or other compelling reasons," both USD 380 and 115 expect this issue to be moot at the time the agreement for transfer is approved by the State Board in April 2024, well before the State Board considers USD 115's Petition in June.

Lastly, the issue of overlapping legal descriptions and requests was anticipated prior to the filing of USD 115's Petition. In a February 7, 2024 email to counsel for USD 113 and KSDE General Counsel, legal counsel for USD 115 stated:

> Evolving legals
>
> Lastly, given the timing of the February 15 deadline for the unilateral petition by USD 115, and the potential approval of land transfer to USD 335 and 380 in March, the February 15 petition will have legal descriptions that are unrelated to one another. This has been done at USD 113 and the KSDE's request that these requests

> be considered separately. However, if the transfers to USD 335 and 380 are approved by the board prior to the hearing on USD 115's petition, the legals will need to be rewritten for USD 113 to account for the other land transfer(s) if approved.
>
> As a result, I can plan on filing amended before and after legal descriptions for USD 113 in the USD 115 petition case at the appropriate time if the USD 335 and 380 transfers are approved in March. Just wanted to give everyone a heads up that by keeping these separate, we will need to update the legals based on the stage of proceedings each separate petition is at.

The need for evolving legal descriptions to be drafted for the State Board's consideration based on the stage of proceedings of each separate request was clearly anticipated as late as February 7, 2024 by USD 115, 335, 380, and 113. Amendment of pleadings or specific requests, as well partial granting of the Petition's requests, is clearly contemplated by K.S.A. 72-532(e): "Within 90 days after receiving an agreement or, if a public hearing is held, within 90 days after the hearing, the state board of education shall issue its order either approving or disapproving such transfer petition or agreement, or approving the same with such amendments as it deems appropriate." (emphasis added).

Because USD 115 does not have a claim against USD 380, or vice versa, but rather each district maintains strategic and procedural agreement about the proposed hearing schedule before the State Board involving USD 380's mediated agreement (April) and USD 115's Petition (June), no "unwaivable conflict" exists necessitating legal counsel's disqualification. Moreover, because the elements of KRPC 1.7(b) are met, legal counsel may continue to represent USD 115 and USD 380 in this matter as contemplated by that rule.

CONCLUSION

It is clear that USD 113 has financially benefited from the *status quo* for over a decade. Taxation of a vast swath of land in which 75% of the resident families attend a neighboring district is a great deal for USD 113. Similarly, taxation of the American colonies without representation was a great deal for British Parliament. But it was not equitable, nor was it sustainable. For over a decade, a significant majority of families and taxpayers in the Petitioned Area have seen their tax dollars flow to a district that does not provide educational services to most students in the Petitioned Area. Moreover, taxpayers in USD 115, the district that is educating these students, have approved additional bond issues in response to school closures and other decisions of USD 113 that have caused the continued mass exodus of students from USD 113 into USD 115. This is not equitable, and it is not sustainable. To summarily prevent USD 115's Petition from being considered by the State Board in such inequitable circumstances would be improper.

WHEREFORE Petitioner respectfully requests the State Board DENY USD 113's Motion to Dismiss and allow this matter to proceed to public hearing.

Respectfully submitted,

KRIEGSHAUSER NEY LAW GROUP

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ATTORNEYS FOR USD 115 (NEMAHA CENTRAL)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have filed and sent the foregoing Petitioner's Response to Motion to Dismiss via email and for e-filing to:

Scott Gordon, General Counsel
Office of General Counsel, State Department of Education
sgordon@ksde.org
KANSAS STATE BOARD OF EDUCATION

and a copy served by email to:

David Cooper, Attorney
Fisher Patterson Sayler & Smith, LLP
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COUNSEL FOR USD 113 (PRAIRIE HILLS)

Chad D. Tenpenny
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/s/ Joshua A. Ney
Joshua A. Ney, #24077

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BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the matter of
Petition to Transfer
Territory from USD 113
to USD 115

File 24-PTT-01

Prehearing Order Denying Motion to Dismiss

This matter comes before the appointed hearing officer, R. Scott Gordon, on motion filed by USD 113. The motion was received February 23rd, 2024. Counsel for USD 115 acknowledged receipt of the same and filed a response on behalf of USD 115. USD 113 argues the petition should be dismissed prior to conducting a public hearing for two reasons; a lack of material change and an unwaivable conflict of interest for USD 115's legal counsel. Having reviewed and considered the motion and relevant bodies of law, the hearing officer hereby denies the motion to dismiss. The matter will proceed to public hearing as scheduled.

Whether there are any changes of circumstance that may warrant granting of USD 113's petition is a question of fact this hearing officer is not able to rule on without first hearing from the parties as well as hearing from the public. There is enough disagreement on that issue to warrant denial of the motion. That's not to say there are never circumstances whereby a petition filed per K.S.A. 72-532 couldn't be dismissed pre-hearing. If such a petition were to fail to provide the information required by statute as well as any additional information that is requested by the Kansas State Board of Education ("State Board"), or if such a petition were prohibited from being heard because a similar petition had already been filed within the previous two years then pre-hearing dismissal might be appropriate. Here, there are no such shortcomings or time-based bars.

The second consideration – and admittedly the more concerning – is whether Counsel for USD 115 can negotiate an agreement to transfer territory from USD 115 to another of his clients (USD 380) while simultaneously arguing that the same territory should be transferred from USD 115 to the school district he represents in this petition. Within its answer to the motion to dismiss, USD 113 claims an agreement exists for joint representation among USD 113, USD 380, and USD 335 with informed, written consent from all clients. USD 113 also claims – for the first time in its answer to the motion – that petitioning for part of the land to be transferred to USD 380 be transferred to USD 115 was a strategic choice in case pending agreements between

USD 360, USD 113, and USD 335 do not get approved by the State Board. Whether the result of said strategy results in the assertion of a claim by one client against another client remains to be seen.

Even if there is a concurrent conflict of interest, that is a personal and professional obligation of Counsel to determine whether he can appropriately represent the parties in the matter or whether he must recuse himself. This hearing officer was not able to find any specific caselaw that requires dismissal of the pending petition.

IT IS SO ORDERED.

s:// R. Scott Gordon
R. Scott Gordon
Appointed Hearing Officer
Kansas State Board of
Education

Certification of Service

On March 21, 2024, I certify that I that I have sent the foregoing Prehearing Order via email to:

David Cooper, Counsel for USD 113
dcooper@fpsslaw.com

Chad D. Tenpenny, Counsel for USD 113
chad@tenpennylaw.com

Joshua A. Ney, Counsel for USD 113
josh@knlawgroup.com

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BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of the	)	
Petition to Transfer Territory	)	**File No. 24-PTT-01**
From USD No. 113 (Prairie Hills)	)	
To USD No. 115 (Nemaha Central)	)	

USD No. 113 Answer to Petition

Unified School District No. 113, Nemaha County, State of Kansas (USD No. 113) answers the petition for transfer of territory as follows:

I. Answer to Petition.

1. In response to ¶ 1 of the petition, it is admitted that K.S.A. 72-532 sets forth the conditions by which the Kansas State Board of Education can Transfers of territory from one unified district to another unified district.[1]

2. In response to ¶ 2 of the petition, it admitted that a mediation was conducted on December 5-6, 2023, with Larry Rute as mediator and that no agreement was reached between USD No. 113 and USD No. 115.

3. In response to ¶ 3 of the petition, USD No. 113 requests that the State Board of Education deny the petition in its entirety.

4. In response to ¶ 4 of the petition, USD No. 113 denies that the transfer of territory is consistent with the factors listed in K.S.A. 72-532(d). USD No. 113 addresses the factors in Section IV, *infra*.

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[1] K.S.A. 72-532(a) provides:

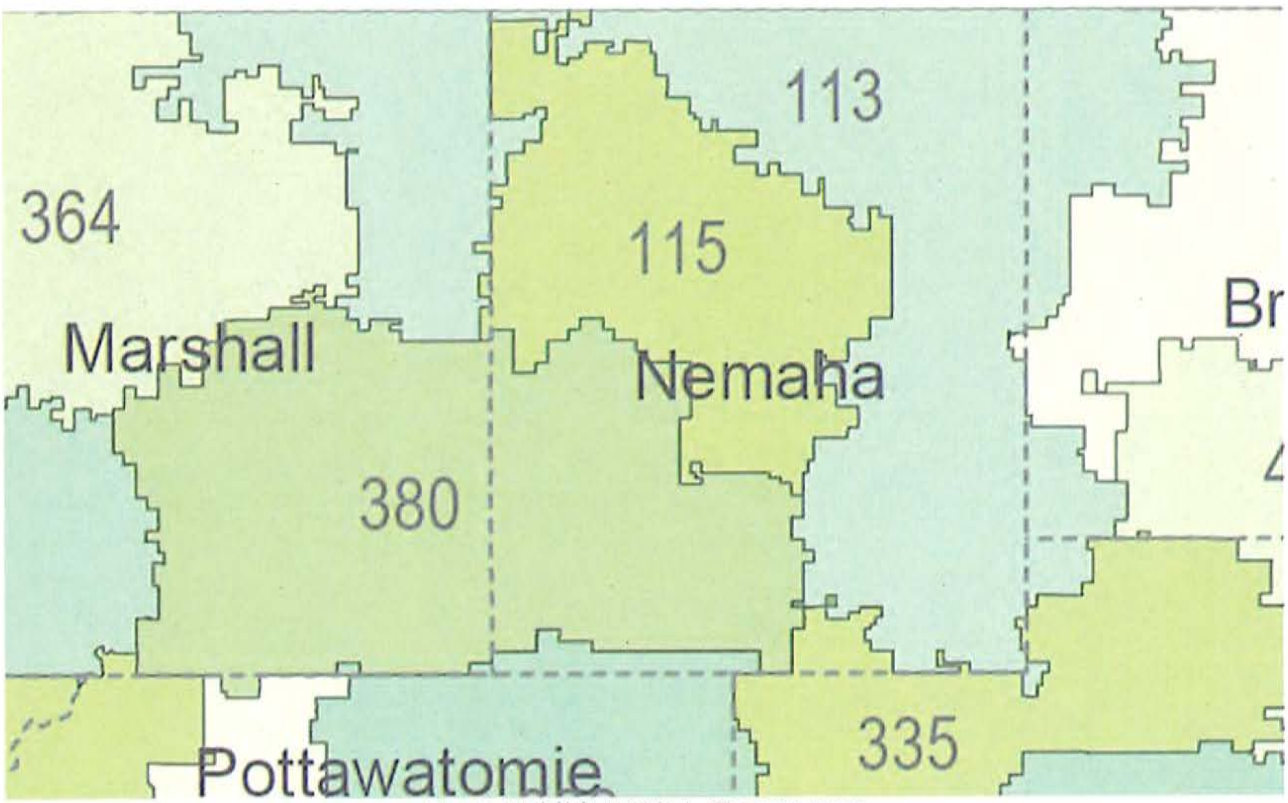
> (a) Transfers of territory from one unified district to another unified district shall be made only as follows:
>
> (1) Upon the written agreement of any two boards approved by the state board of education; or
>
> (2) upon order of the state board after petition therefor by one board and a public hearing thereon conducted by the state board of education.

5. In response to ¶ 4 of the petition, USD No. 113 admits no petition for transfer of substantially the same territory has been filed in the last two years. However, 2.54 square miles of the territory subject to the petition are subject to the December 6, 2023 Mediated Agreement to transfer territory from USD No. 113 to USD No. 380-Vermillion. *See* Exhibit 2.

6. In response to ¶ 4 of the petition, USD No. 113 admits the Board of Education of USD No. 115 authorized the filing or the petition.

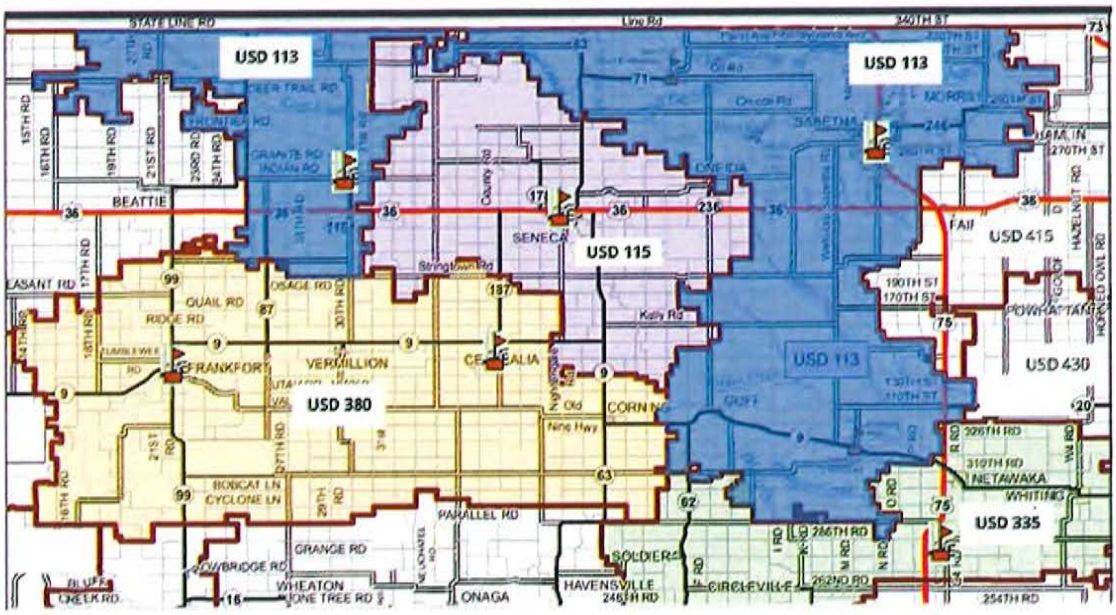
II. General Information

7. USD No. 113-Prairie Hills is in Northeast Kansas, primarily in Nemaha and Marshall Counties, but extending into Brown County. The current boundary map shows that USD No. 113 is located west, north, and east of USD No. 115-Nemaha Central.



From Exhibit 1 USD_County map
https://www.ksde.org/Portals/0/School%20Bus/Documents-Forms/USD_County%20map.pdf

USD 113 Current District Map



USD No. 113-Prairie Hills is headquartered in Sabetha. The district includes the communities of Sabetha, Axtell, Bern, Goff, Morrill, Summerfield, Wetmore, Berwick, Capioma, Woodlawn, and nearby rural areas. Prairie Hills USD No. 113 was formed, in turn, by the 2010 consolidation of Sabetha USD No. 441 and Axtel USD No. 488 (formerly known as USD No. 488 Axtell-Bern-Summerfield). [NOTE: The territory in and around the communities of Goff and Wetmore are being transferred by agreement to USD No. 380-Vermillion and USD No. 335-Jackson Heights.]

8. USD No. 113-Prairie Hills reached mediated agreements with USD No. 380-Vermillion and USD No. 335-Jackson Heights to transfer the territory affected by the closure of the Wetmore attendance center by USD No. 113 in May 2023. *See* Exhibit 2 12-6-2023 Mediated Agreement with USD 380; Exhibit 3 12-6-2023 Mediated Agreement with USD 335.

USD No. 113 is transferring the territory marked 1.3, 2.1 and 2.2 on the map below, to USD No. 380-Vermillion.

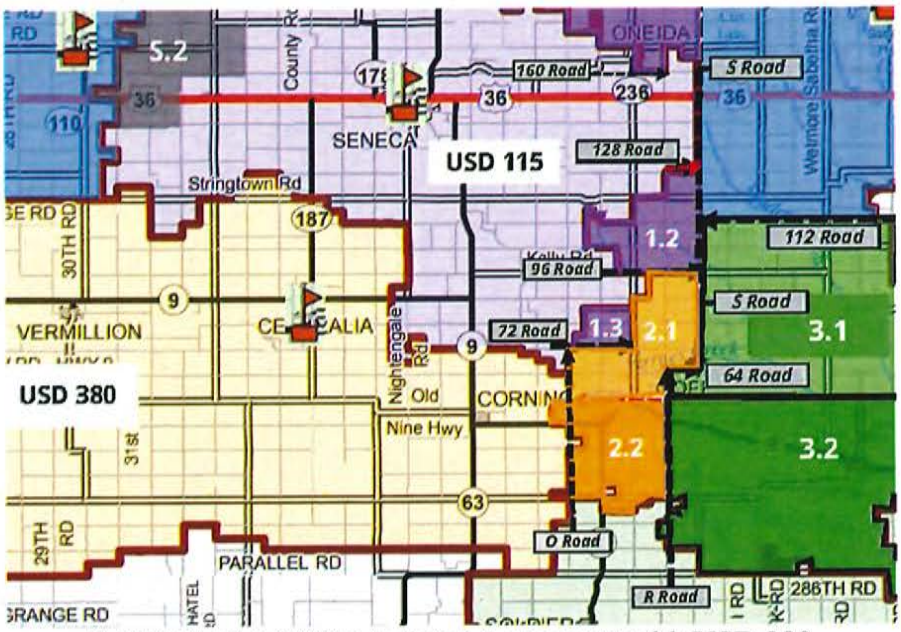


Exhibit 2 12-6-2023 Mediated Agreement with USD 380.

USD No. 113 is transferring the territory south of 80 Road (in Nemaha County) and 140 Road (in Brown County) to USD NO. 335-Jackson Heights.

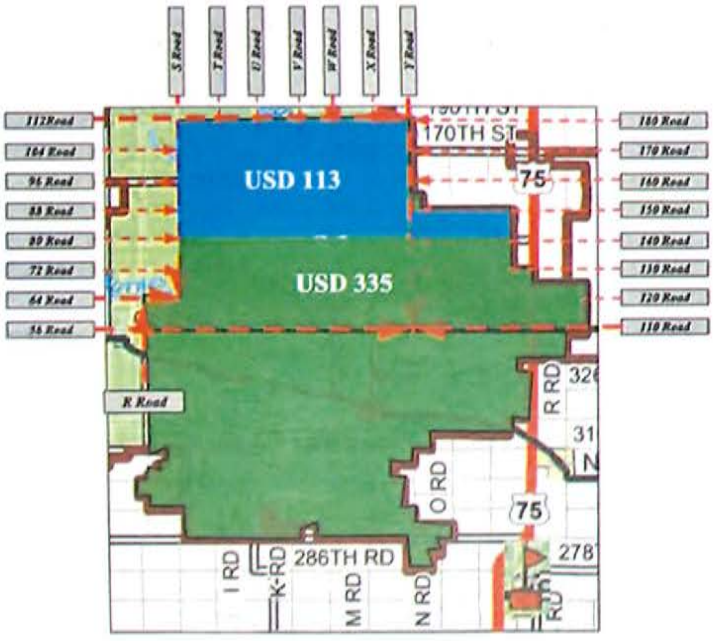


Exhibit 3 12-6-2023 Mediated Agreement with USD 335.

9. USD No. 113 prior to the mediated agreements with USD No. 335 and USD No. 380 comprised **528.84** square miles; the agreements transfer **90.01** square miles to USD No. 335-Jackson Heights (17.02% of USD 113's prior territory) and **27.86** square miles to USD No. 380-Vermillion (5.02% of USD 113's prior territory; the agreements transfer 22.29% of USD No. 113's territory. This reduces USD No. 113's territory to **410.97** square miles.

10. The petition seeks the transfer of **77.4** square miles, which includes 2.54 square miles of territory that is subject to the agreed transfer to USD No. 380.

11. In sum, the petition seeks to transfer 18.8% of USD No. 113's territory remaining after the mediated agreements with USD No. 335 and 380.

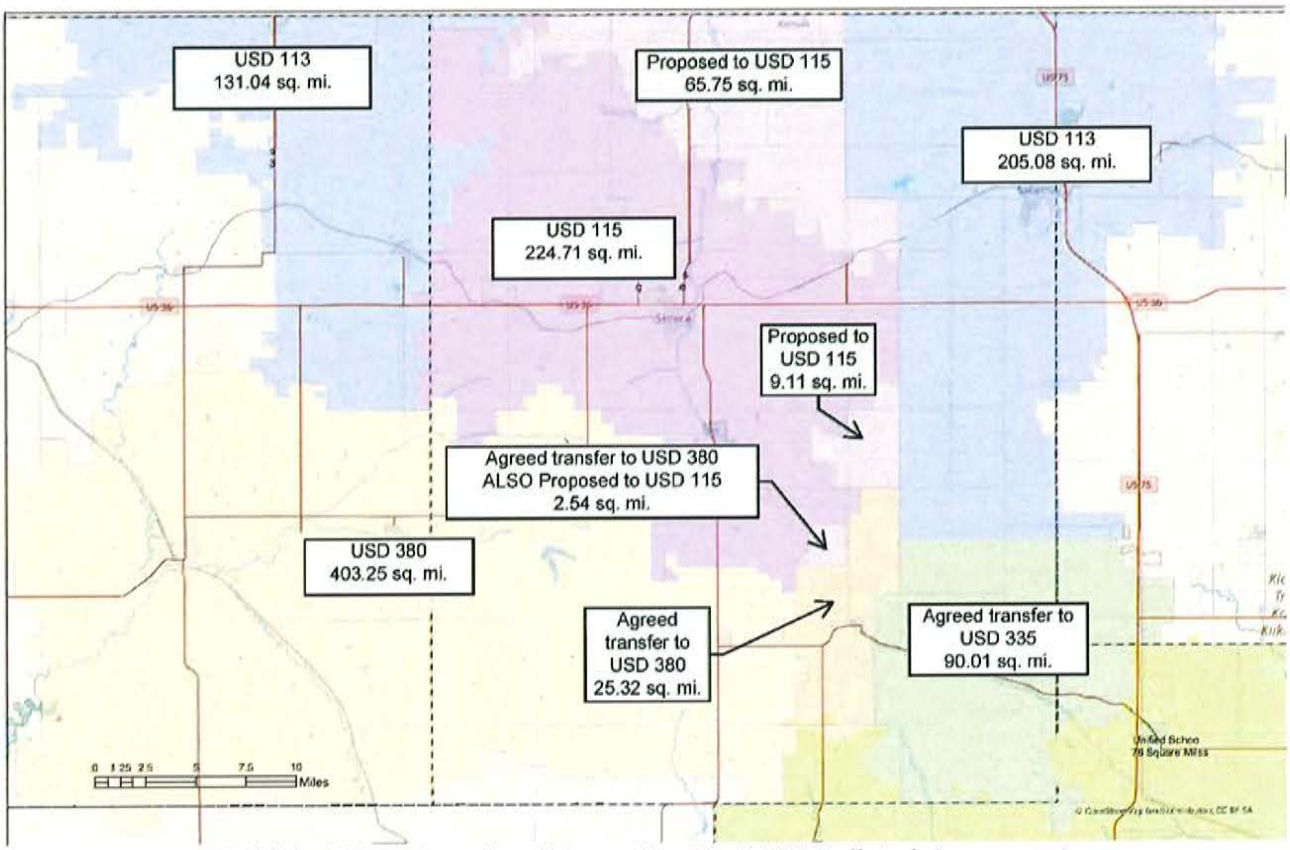


Exhibit 4 New Boundary Lines after 12-6-23 Mediated Agreements

12. The agreed transfer of territory to USD No. 380-Vermillion reduces the valuation of USD No. 113-Prairie Hills by **$4,431,550**. Exhibit 5, Valuation of Agreed Transfers to USD 335 and 380, prepared by Kent A. Buessing, Certified Public Accountant.

13. The agreed transfer of territory to USD No. 335-Jackson Heights reduces the valuation of USD No. 113-Prairie Hills by **$12,607,017**. *Id.*

14. Thus, the agreed transfer of territory from USD No. 113 to USD Nos. 335 and 380 transfers **$17,038,567** of valuation from USD No. 113. *Id.*

15. Before the agreed transfer of territory from USD No. 113 to USD Nos. 335 and 380 the assessed valuation of USD No. 113 was **$148,651,979**. The transfer of **$17,038,567** of valuation from USD No. 113 to USD Nos. 335 and 380 reduces the valuation of USD No. 113 to **$131,613,412**.

16. The petition seeks the transfer of and additional **$18,172,666** in valuation from USD No. 113.

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III. The petition should be denied.

17. The petition is submitted under K.S.A. 72-532(a)(2) which permits the transfer of territory from one unified district to another unified district only upon order of the state board. The Kansas State Board of Education adopted Guidelines for land transfers. The Board adopted the following requirement for land transfer requests:

> To justify taking land, by petition, from one school district and giving it to another, ***a material change in circumstances of a substantial and weighty nature must exist*** so that a reasonable person would recognize that the educational interests of all affected children (inside and outside of the transfer area) could be better served by adjusting district boundaries, without any serious detrimental effect upon students or upon the district from which the land will be transferred.

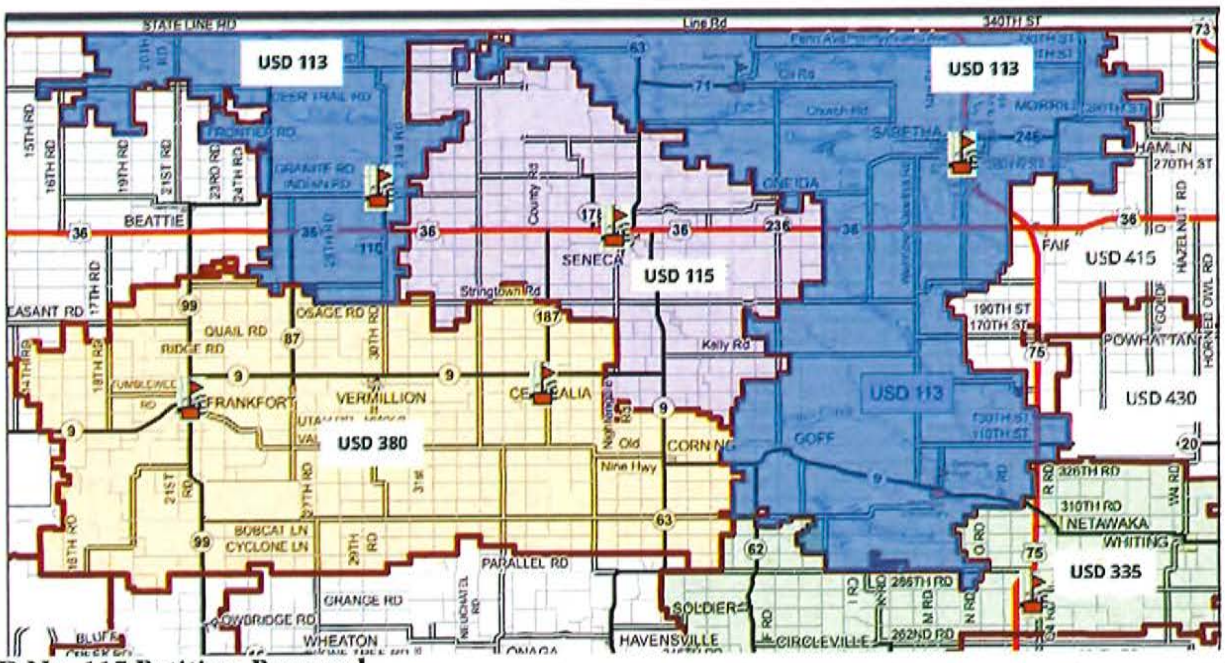
Id., § II.2 (emphasis added).

18. USD No. 115's proffered justification for the land transfer is the closure of the Bern attendance center in 2012. This closure, 12 years past, is not a material change in circumstances. *See* KSDE Guidelines § V.II.3 ("examples of a material change in circumstances ...: a) a ***recent*** school closing which makes it more practical for students to attend school in an adjoining district." (Emphasis added.)).

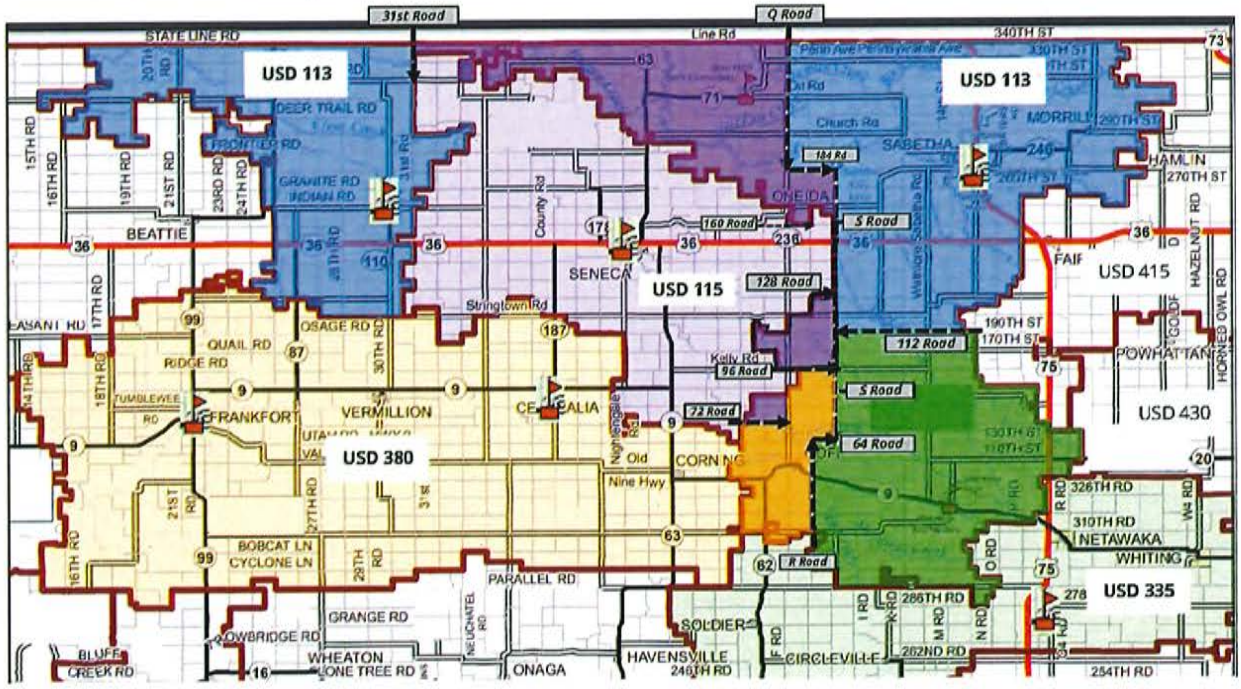
19. USD No. 115's choice to accept out-of-district students is not a justification for transfer of territory. USD No. 115's petition points out that USD No. 115 has routinely accepted out-of-district students since, at least, the closure of the Bern attendance center in 2012. This, too, is not a change in circumstances.

20. The transfer of territory proposed by USD No. 115 would break the contiguity of USD No. 113-Prairie Hills, creating two areas of a single, consolidated school district that would be totally separated by another district. *See* Current USD No. 113 District Map (next page) and USD No. 115 Petition-Proposal Map (next page).

Current USD No. 113 District Map



USD No. 115 Petition-Proposal



21. USD No. 115-Nemaha Central lacks the capacity to accept the students in the territory proposed to be transferred.

In the 2022-23 school year, the Kansas State Department of Education (KSDE) reported that USD No. 115-Nemaha Central had 123 out-of-district students enrolled. In the 2022-23 school year,

KSDE reported that USD No. 113-Prairie Hills had 123 out-of-district students enrolled. *See* Exhibit 6, 2022-2023 Out-of-District Enrollment (from KSDE data central). KSDE data shows 7.3% of all students enrolled in Kansas schools are out-of-district students. *Id.*

ORG. #	ORGANIZATION NAME	SCHOOL YEAR	Total Enrollment	Out of District Students
D0113	Prairie Hills	2022-2023	1064	123
D0115	Nemaha Central	2022-2023	737	123

Thus, both districts support the same number of out-of-district students. With the advent of mandatory open enrollment in the 2024-2025 school year, any district with the capacity will be required to enroll out-of-district students.

According to the petition, 78 of the 123 out-of-district students enrolled in USD No. 115-Nemaha Central live in the territory for which transfer is proposed. This is roughly 60% of the 123 out-of-district students enrolled in USD No. 115 in 2022-2023. Thus, another 45 out-of-district students were enrolled in USD No. 115 in 2022-2023 from territory other than the proposed transfer territory. Thus, the student capacity concerns expressed the petition are a result of the choice made by USD No. 115 to enroll out-of-district students **without regard to where they live**.

As reflected in USD No. 115's petition, USD No. 115 has been accepting an average of 84 out-of-district students annually and accepted 55 out-of-district students in 2013 from the Bern area (whom USD No. 115 recruited). Thus, the acceptance by USD No. 115 of out-of-district students is not a material change of circumstances as contemplated by KSDE's Guideline and K.S.A. 72-532.

The closure of the Wetmore attendance center by USD No. 113 in 2023 is not a material change in circumstances as between Petitioner USD No. 115 or Respondent USD No. 113. Of the 120 students that attended Wetmore, two (2) enrolled at USD No. 115. The land affected by the Wetmore closure is being transferred, by agreement to USD No. 380 and USD No. 335.

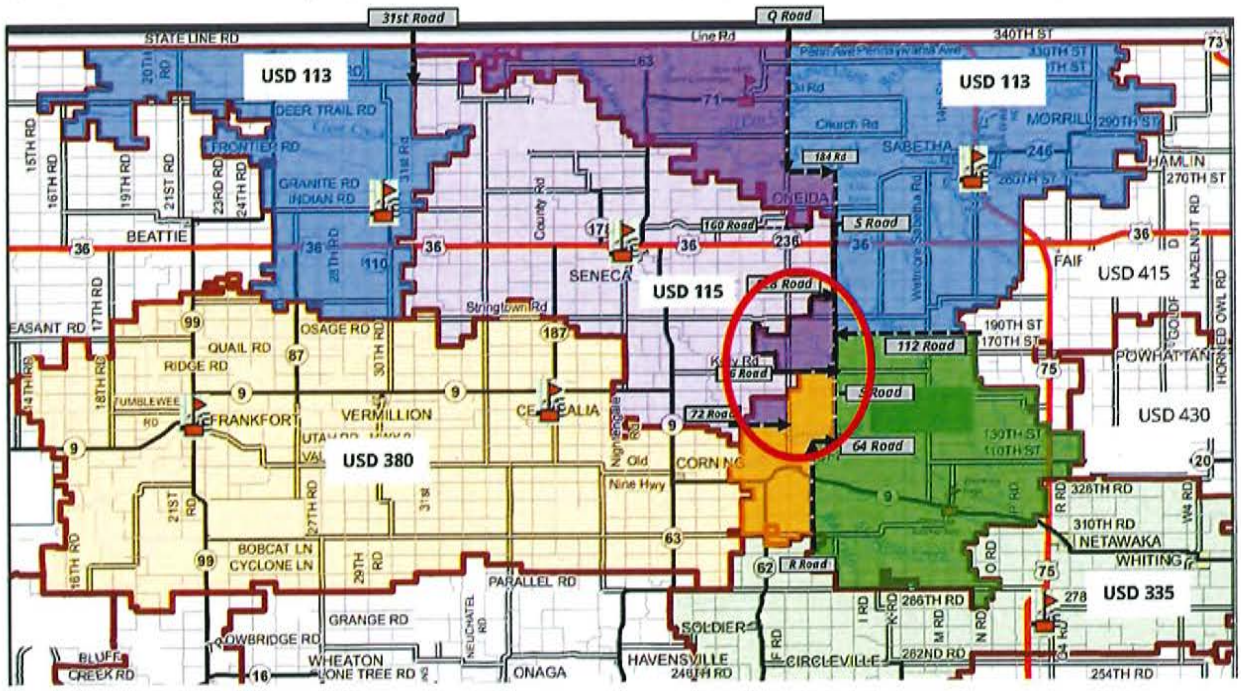
22. K.S.A. 72-3213, as amended by § 16 of ch. 94 of the L. 2022, and § 9 of ch. 98, L. 2023, implements mandatory admission of non-resident students—*i.e.*, open enrollment. With the

advent of mandatory open enrollment, the State Board of Education ought not create the precedent that enrollment of out-of-district students is a basis for transferring territory. Such a precedent would lead to checkerboard transfers of territory and the creation of disparate islands of populated territory serving as a basis for land transfer petitions.

23. Importantly, the Petition does not demonstrate that USD No. 115-Nemaha Central has the capacity to accept and educate all the students in the proposed territory. USD No. 115 is at capacity and turned away 10 out-of-district students for lack of capacity in 2023.

24. Further, the territory sought to be transferred from USD No. 113 on the southeast corner of USD No. 115 has nothing to do with the closure of the Bern attendance centers. That territory (circled below) was part of the original USD No. 441 prior to the consolidation vote that formed USD No. 113.

USD No. 115 Petition-Proposal



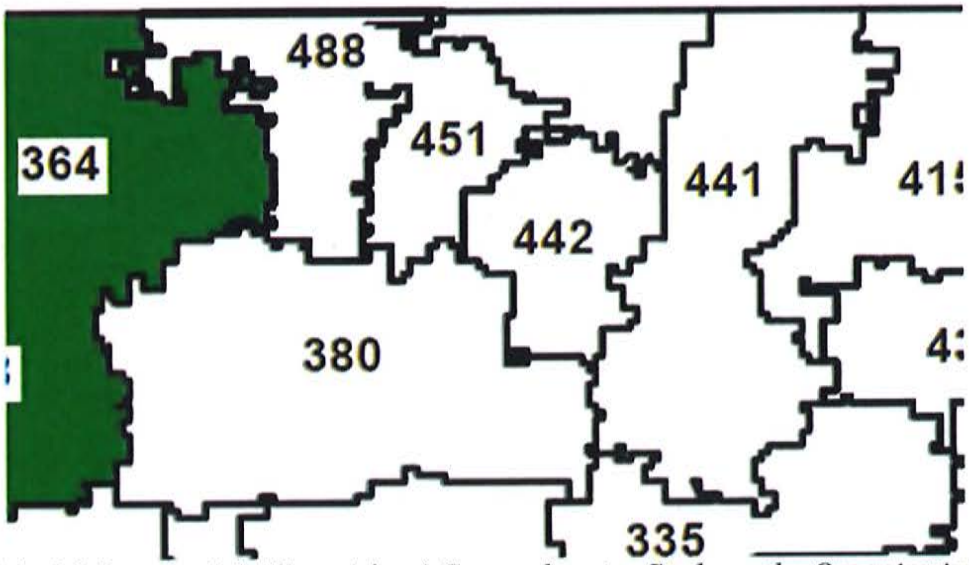
A. The choices made by USD No. 115-Nemaha Valley do not warrant a transfer of territory from USD No. 113-Prairie Hills.

25. In 1964-65 Sabetha unified with Wetmore (& Goff, Woodlawn, Morrill) forming USD No. 441. Seneca unified with Kelly, Kansas, and Corning, Kansas, forming USD No. 442 Nemaha Valley.

26. In 2009, USD No. 488-Axtell-Bern-Summerfield approached USD No. 442-Nemaha Valley to consolidate. *See* Exhibit 7 Declaration of Dennis Stones. USD No. 442-Nemaha Valley chose not to consolidate with with USD No. 488-Axtell-Bern-Summerfield. *Id.* Similarly, USD No. 451-B&B chose not to consolidate with USD No. 488. *Id.*

27. Effective July 1, 2010, USD No. 441-Sabetha and USD No. 488-Axtell consolidated and formed USD No. 113–Prairie Hills. In an election on Tuesday, May 25, 2010, a 61% majority from USD No. 441 approved the consolidation and, significant to the current petition, an overwhelming 82% of USD No. 488 voters approved the consolidation. This includes most of the petitioned area. *See* Exhibit 8 Consolidation election June 2, 2010.

28. A map showing the districts before consolidation is shown below:



J. Augenblick, J. Myers, and J. Silverstein, *A Comprehensive Study on the Organization of Kansas School Districts*, p. 115, January 10, 2001
https://www.ksde.org/Portals/0/School%20Finance/budget/Legal_Max/sdbs--Final%20Complete%20Report.pdf

29. Effective July 1, 2011, USD No. 442-Nemaha Valley and USD No. 451-B & B consolidated into USD No. 115–Nemaha Central. The consolidation was voted upon and approved by the Boards of Education for both Districts and approved by the voters of both districts.

30. After choosing not to consolidate with USD No.488-Axtell-Bern-Summerfield, USD No. 115-Nemaha Valley chose to accept (some, but not all) out-of-district students from the Bern area and received the benefit of base state aid per pupil funding.

31. USD No. 115 chose to bus out-of-district students and does so at the expense of in-district students. USD No. 115 recently stopped transporting in-district students that live outside Seneca city limits but less than 2.5 from their school.

32. USD No. 115 chose to levy a Local Option Budget.

33. USD No. 115 chose to not levy a Capital Outlay tax, instead choosing to utilize a capital outlay fund with general fund transfers.

34. USD No. 115 chose to pursue and pass a bond election, levying 14.722 mills beginning in 2024.

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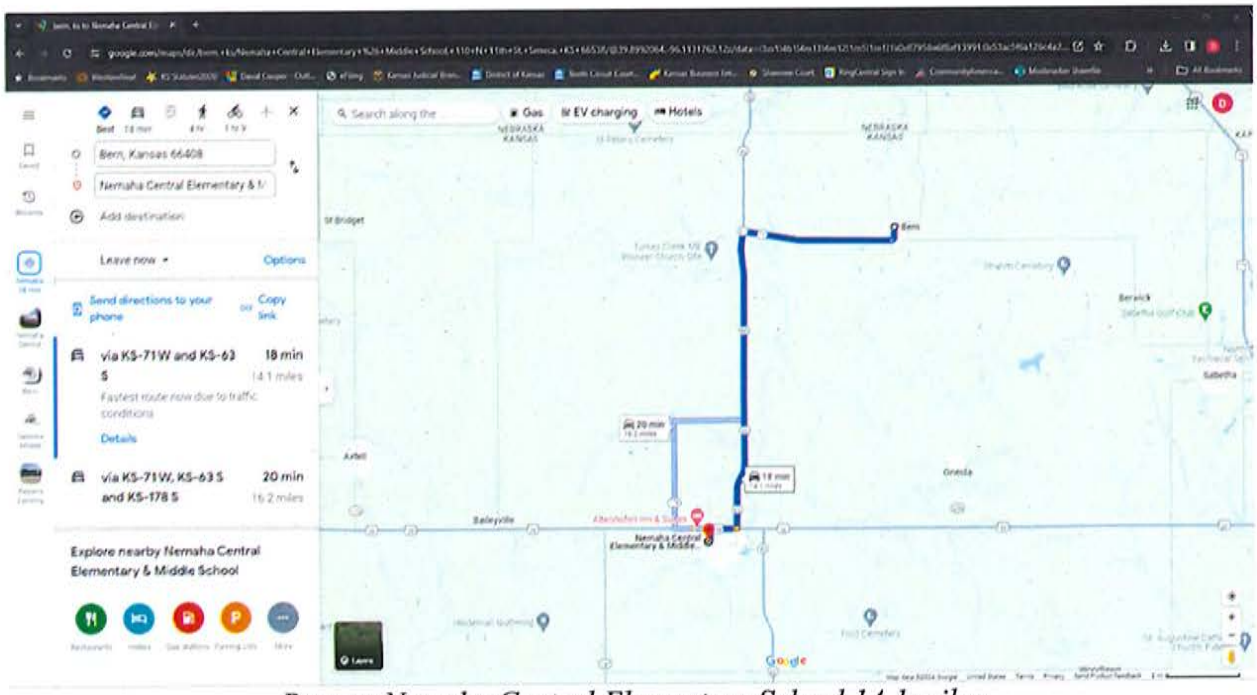
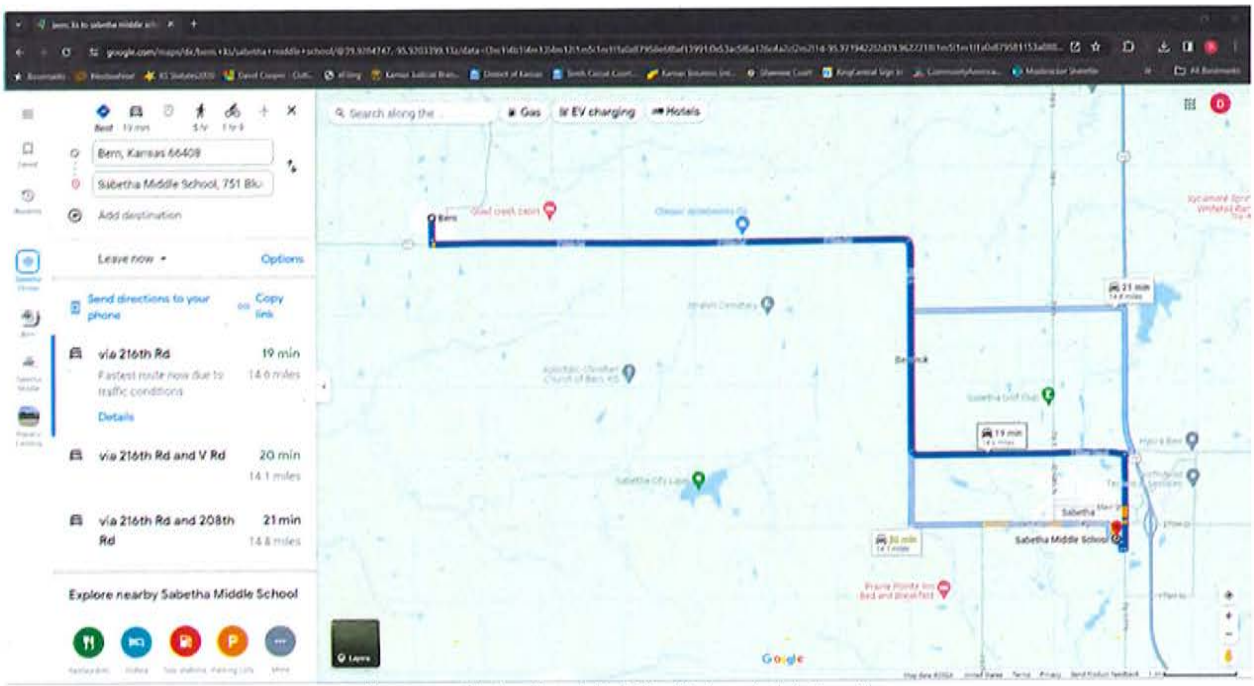
B. Distance is not a material factor.

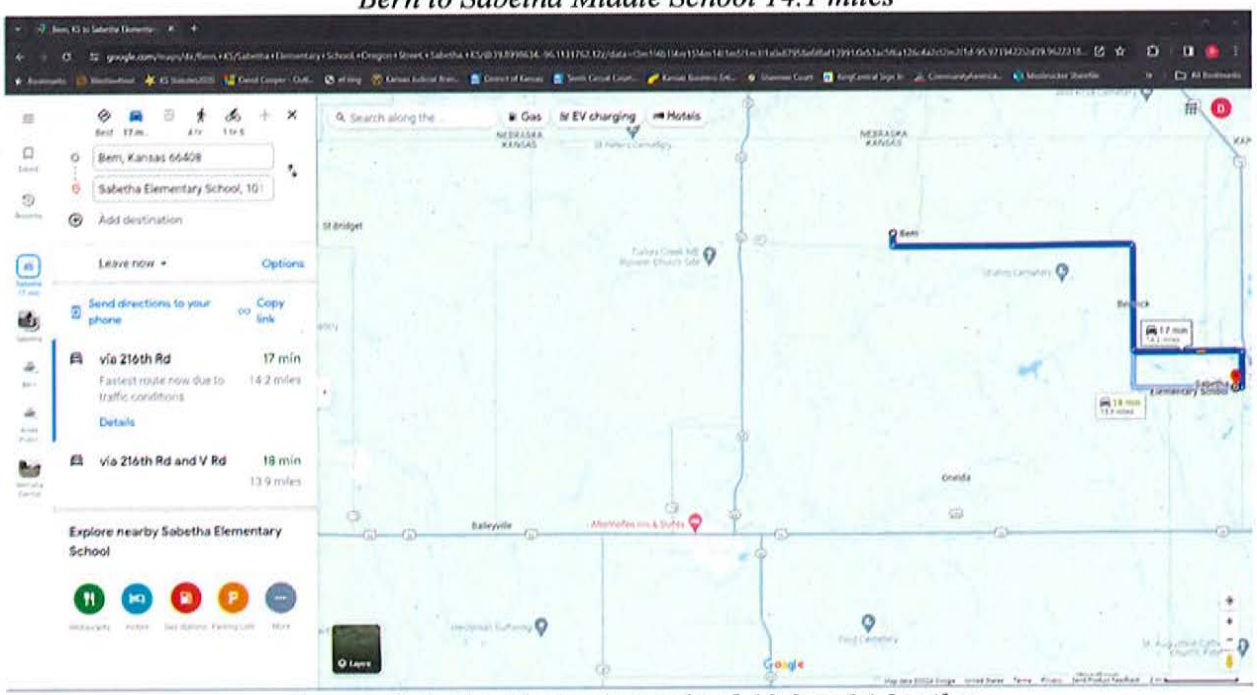
35. Bern is equidistant to Sabetha compared to Seneca. The petition suggests the proposed transfer is beneficial because the attendance centers for USD No. 115 are closer to the affected territory than are the attendance centers for USD No. 113. This assertion is ambiguous from the beginning because the students in the affected territory do not live in a single location. Some are closer to USD No. 113-Prairie Hills and some are closer to USD No. 115-Nemaha Central. All land east of Bern is closer to Sabetha than to Seneca. Google Maps shows the distances are generally equidistant and any differences are not material.



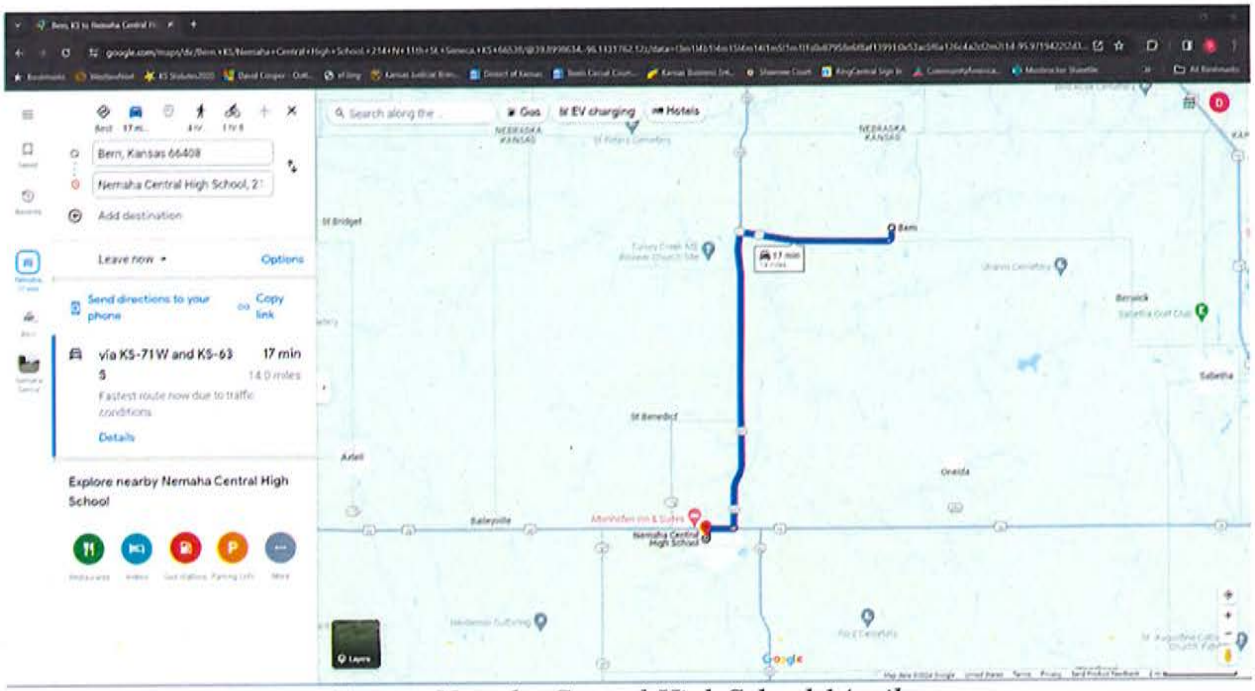
Bern to Nemaha Central Elementary School 14.1 miles



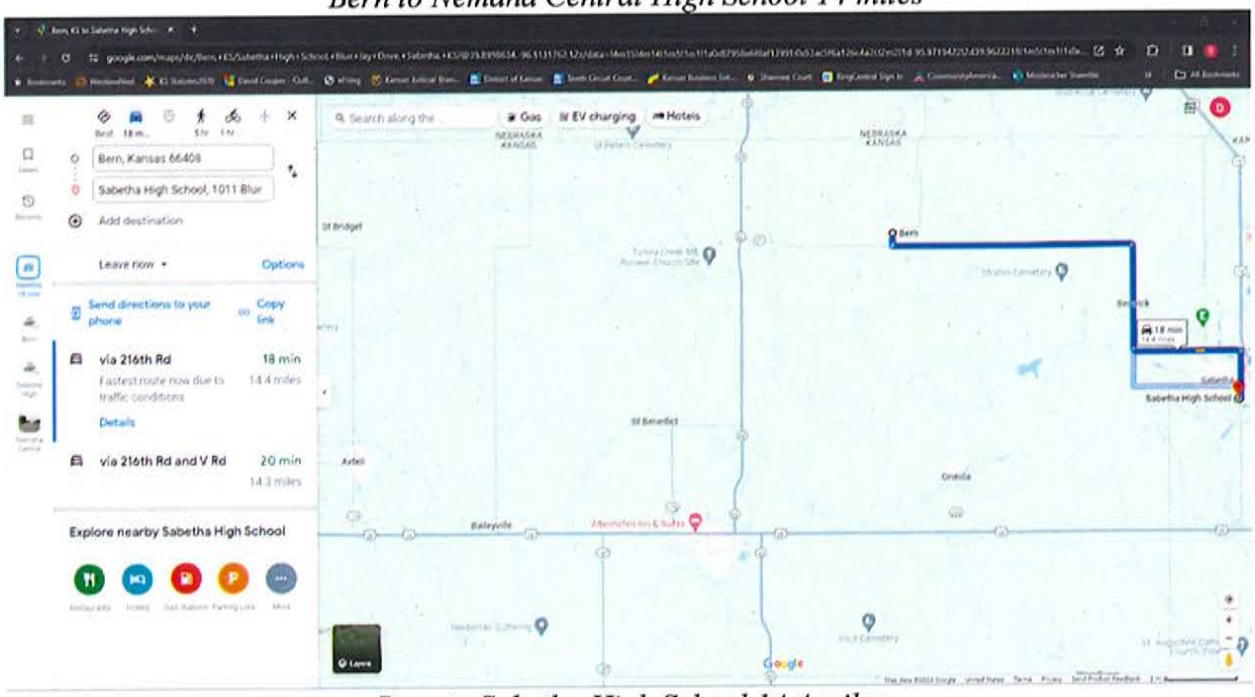
Bern to Sabetha Middle School 14.1 miles



Bern to Sabetha Elementary school 13.9 to 14.2 miles



Bern to Nemaha Central High School 14 miles



Bern to Sabetha High School 14.4 miles

C. The proposed transfer negatively affects equalization.

36. The KSBE Guidelines provide as follows:

> The following considerations assist the State Board in determining whether to grant a land transfer request.
>
> > 1) The ultimate consideration must be the long-term effect a transfer would have on students living in: (1) the petitioned area, (2) the receiving district, and (3) the giving district. **It also must include whether the transfer would add to the general improvement of the public schools in the state and the *equalization* of the benefits and burdens of education throughout the affected communities.**

(Emphasis added.) KSBE Guideline V, § II.1.

37. The Supplemental General Fund (SGF), also known as the Local Option Budget (LOB), is additional budget authority for operating expenses, similar to the general fund. Boards of education may adopt up to 30% of the general fund, or 33% subject to protest petition. Funding is from local property taxes and equalized state aid. Any cash balance carried over reduces the succeeding year's property tax.

38. The State Equalization Formula for the SGF treats each school district as if its assessed valuation per pupil (AVPP) were equal to that of the district at the 81.2 percentile of AVPP. Therefore, any district with an AVPP above the 81.2 percentile receives no Supplemental State Aid. The State of Kansas' SGF provides State Aid to 89% of the districts in Kansas, including USD No. 113-Prairie Hills. Eleven percent (11%) of districts are wealthy beyond the State's Equalization Formula. Historically, USD No. 115-Nemaha Central has been included in the 11% of Districts wealthy beyond Equalization Aid.

39. The agreed transfer of territory from USD No. 113 to USD No. 335 and to USD No. 380, transfers **$12,607,017** in valuation to USD No. 335 and **$4,431,550** in valuation to USD No. 380—a transfer of a total valuation of **$17,038,567** from USD No. 113. Exhibit 5, Valuation of Agreed Transfers to USD 335 and 380.

40. The proposed transfer of territory from USD No. 113 to USD No. 115 would further reduce the valuation of USD No. 113 and require a further increase in the amount of state aid to USD No. 113. The corresponding increase in valuation to USD No. 115 would result in lower mill rates and lower taxes in USD No. 115 at the cost to Kansas taxpayers who would then pay the increase in state aid to the giving district—USD No. 113.

41. The difference in mill levies between the two districts is shown below:

Average FY18-22		**State**	**113**	**115**
	GF	20	20	20
	SGF	17.6402	16.358	14.9898
	CO	6.9846	5.2954	0
Total Mill (5 yr. ave.)		44.6248	41.6534	34.9898

The mill levy for USD No. 115 averages only 78% of the state average. Further USD No. 115 has never levied a Capital Outlay Tax. Notwithstanding the substantially lower tax rate, USD No. 115 spends the same amount of money per student as do USD No. 113 and the State Average:

Average FY18-22		**State**	**113**	**115**
	GF	20	20	20
	SGF	17.6402	16.358	14.9898
	CO	6.9846	5.2954	0
Total Mill (5 yr. ave.)		44.6248	41.6534	34.9898
Average FY18-22 Exp. Per pupil		$ 12,817	$ 12,722	$ 12,786

NOTE: The costs of the special education cooperative hosted by USD No. 115 have been removed according to actual budget expenditures available through KSDE.

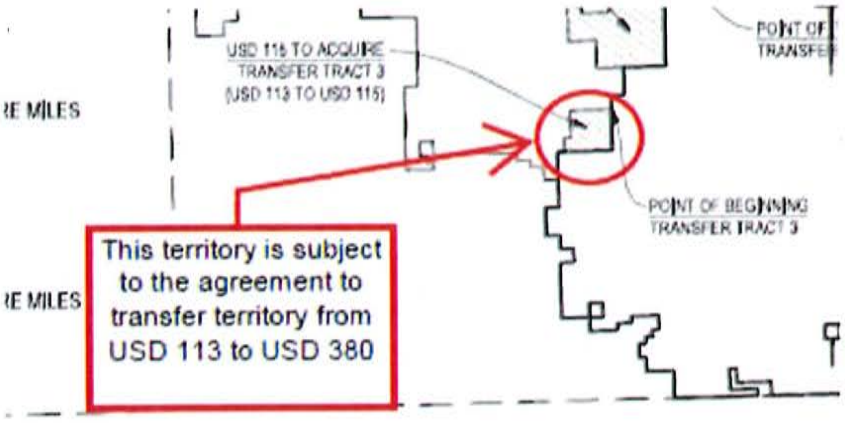
42. The territory proposed to be transferred would increase the valuation for USD No. 115 by **$18,172,666**, an increase of 17%. This, in turn, would divert $305,109 in SGF from USD No. 113 to USD No. 115. This would require additional equalization aid from the State to make up the difference. In sum, the transfer of territory would reduce property taxes in USD No. 115 at the expense of taxpayers in USD No. 113 and across the state.

43. The transfer of territory would exacerbate inequality and would not "add to the general improvement of the public schools in the state and the equalization of the benefits and burdens of education throughout the affected communities" as required by KSBE Guideline § V.II.1.

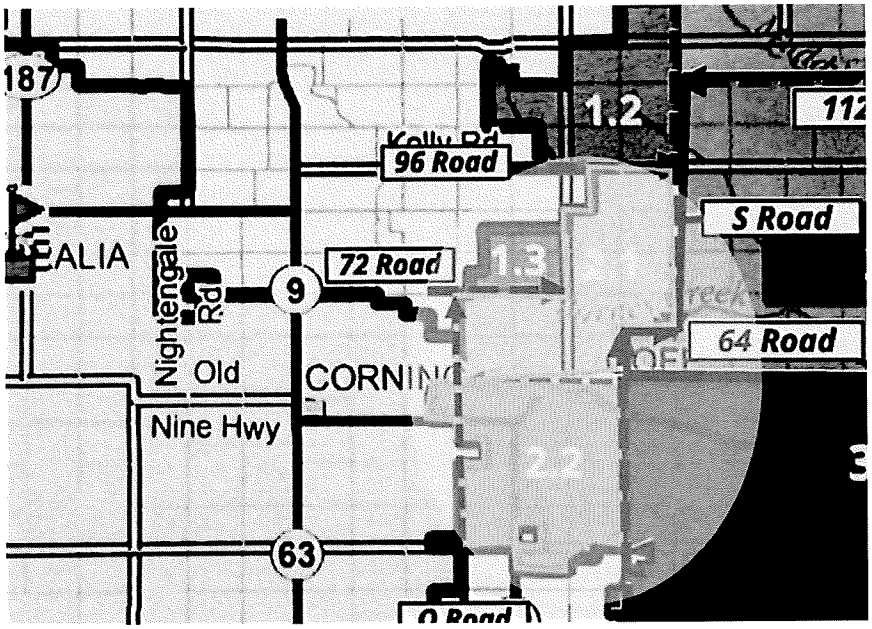
44. Further, the proposed transfer and the additional valuation to USD No. 115, would effectively offset the increase in property taxes to USD No. 115 landowners resulting from its recent bond issuance. A change in school district property taxes **do not** constitute a material change in circumstances for purposes of transferring land. Guideline § V.II.4.b. Furthermore, a bond issuance to address pre-existing capacity and physical plant concerns is not a legitimate basis to seek to acquire additional territory to offset the mill levy associated with the bond issue.

D. The petition seeks to transfer territory that is the subject of an agreed transfer to USD No. 380 which creates an unwaivable conflict that requires disqualification of counsel who represents both USD No. 115 and USD No. 380.

45. The petition seeks to acquire for USD No. 115-Nemaha Central territory that is the subject of the agreed transfer from USD No. 113-Prairie Hills to USD No. 380-Vermillion. A mediated agreement was reached on December 6, 2023, and approved by the Boards of Education for both USD No. 113 and USD No. 380. The southernmost tract of land in USD No. 115's petition is to be transferred to USD No. 380 by agreement under K.S.A. 72-532(a)(1).



From USD 115's Petition Exhibit B.



From Mediated Agreement between USD 113 and USD 380 (Exhibit2.)
The territory marked as 1.3, 2.1, and 2.2 are to be transferred from USD No. 113 to USD No. 380 by agreement. The area marked as 1.3 is also included in the petition for transfer to USD No. 115.

The petition seeks to transfer the same territory to USD No. 115 and presents a concurrent conflict of interest that precludes counsel for USD No. 115 from continuing the representation. *See* KRPC 1.7(a)(1) ("Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if: (1) the representation of one client will be directly adverse to another client."); *and see* KRPC 1.7(b)(3) (joint representation of concurrent clients permitted only if, *inter alia* "the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal.").

The attempt by two separate districts represented by the same attorney to acquire the same territory presents claims that are directly adverse to each other in proceedings before the same tribunal. Such adversity between concurrent clients is an unwaivable conflict that precludes continuation of the representation.

E. Comparison of Districts (before transfer)

		USD No. 115	USD No. 113
Area (Sq. Miles):		222	410.97*
Enrollment:		636	921
Assessed Valuation:		$111,035,847	$131,613,412**
Tax Levy:		41.737***	48.261
Teachers (FTE):		62.0	76.7
Enrollment by Grade:			
	K	52	72
	1	56	71
	2	45	69
	3	46	76
	4	43	64
	5	44	73
	6	41	69
	7	32	66
	8	52	69
	9	68	62
	10	56	62
	11	49	75
	12	52	68

* USD No. 113 agreed, on December 6, 2013, to transfer 117.87 square miles to USD No. 335 and USD No. 380. Before the agreement, USD No. 113 had 528.84 square miles. [528.84-117.87=410.97].

** The agreed transfer to USD No. 335 and USD No. 380 reduces USD No. 113's total valuation by $17,038,567.

*** USD No. 115-Nemaha Central has a new bond issue for which the levy in 2024 will be 14.727 mills.

F. Comparison of Districts (after transfer)

		USD No. 115	USD No. 113
Area (Sq. Miles):		296.85†	336.12*
Enrollment:		636††	921
Assessed Valuation:		$111,035,847	$113,440,746**
Tax Levy:		41.737***	48.261
Teachers (FTE):		62.0	76.7
Enrollment by Grade:			
	K	52	72
	1	56	71
	2	45	69
	3	46	76
	4	43	64
	5	44	73
	6	41	69
	7	32	66
	8	52	69
	9	68	62
	10	56	62
	11	49	75
	12	52	68

† The petition includes the 2.54 square miles transferred by mediated agreement with USD No. 380.

* USD No. 113 agreed, on December 6, 2013, to transfer 117.87 square miles to USD No. 335 and USD No. 380. Before the agreement, USD No. 113 had 528.84 square miles. The area subject to the petition is 74.85 square miles. 2.54 square miles of the petitioned area are subject to the agreed transfer to USD No 380. [410.97-74.85 =336.12].

†† The petition predicts that none of the students in the proposed territory that are currently attending USD No. 113 would attend USD No. 115 if the petition is granted.

** The agreed transfer to USD No. 335 and USD No. 380 reduces USD No. 113's total valuation by $17,038,567. The transfer proposed by the petition would further reduce the valuation by another $18,172,666.

*** USD No. 115-Nemaha Central has a new bond issue for which the levy in 2024 will be 14.727 mills.

G. CONSIDERATIONS IN REGARD TO TRANSFER PETITIONS--CRITERIA

Yes **No** A. In case a transfer is ordered, will changes occur that both sides agree would be educationally beneficial? If yes, list.

Bern is equidistant to Sabetha compared to Seneca.

The petition seeks only the transfer of territory to secure additional tax base and valuation. The petition does not seek to change the status quo for any student in the affected territory nor does it seek to change the existing educational opportunities offered by either District.

Yes No B. In case a transfer is ordered, will changes occur that both sides agree would be educationally detrimental? If yes, list.

A majority of landowners were not surveyed regarding their desires against the proposed transfer—the survey did not reach nearly 60% of the listed landowners.

USD No. 115-Nemaha Central lacks the capacity to enroll all the students that live in the petitioned area.

The survey for landowner preference, Exhibit G to the Petition, lists 692 parcels. Of those 692 parcels, 49 are "Government/Public Property"—7% of the parcels.

The survey reflects "No Preference" for 36 parcels—5% of the parcels.

The survey reflects "Did not reach" for 413, or 59.7%, of the listed parcels.

The survey reflects fifty (50) parcels prefer USD No. 113 (7%), and 154 parcels prefer USD No. 115 (22%).

71% of the parcels represented in the Landowners Survey, excluding Government/Public Property, did <u>not</u> express a desire to transfer to USD No. 115 ("No Preference", "USD No. 113", and "Did Not Reach").

Government/Public Property	7%
No preference	5%
Did not reach	59.7%
USD No. 113	7%
USD No. 115	22%

Aanswers indicated using red highlight.

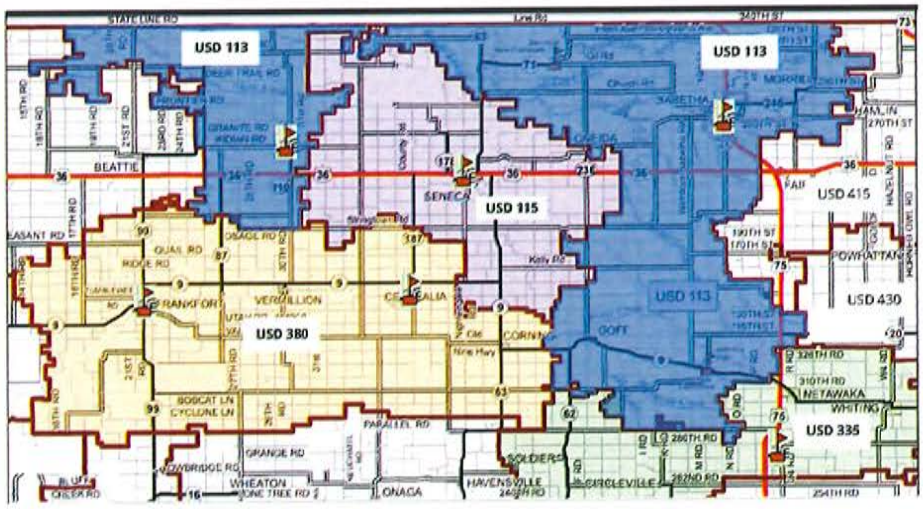
Yes **No** 1. Has the state board denied a petition for substantially the same territory within the past two years?

Yes No 2. Is the petitioned territory contiguous with the boundary line of the "receiving" district?

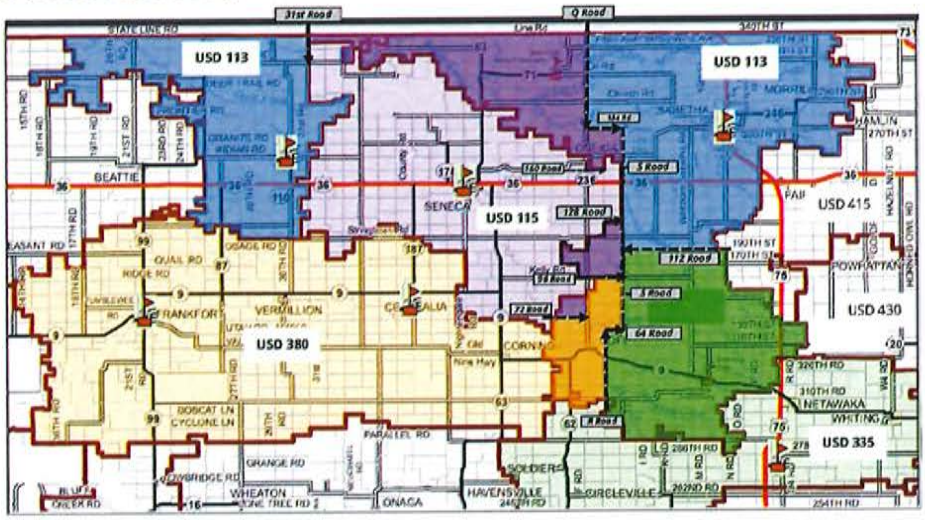
While the petitioned territory is contiguous with the boundary of USD No. 115, the proposed transfer would break contiguity for USD No. 113-Prairie Hills. The proposed transfer would create two "lobes" of USD No. 113 separated by about 16 miles.

***See* Current District Map (below) *compared to* USD No. 115 Petition-Proposal (next page).**

Current USD No. 113 District Map



USD No. 115 Petition-Proposal



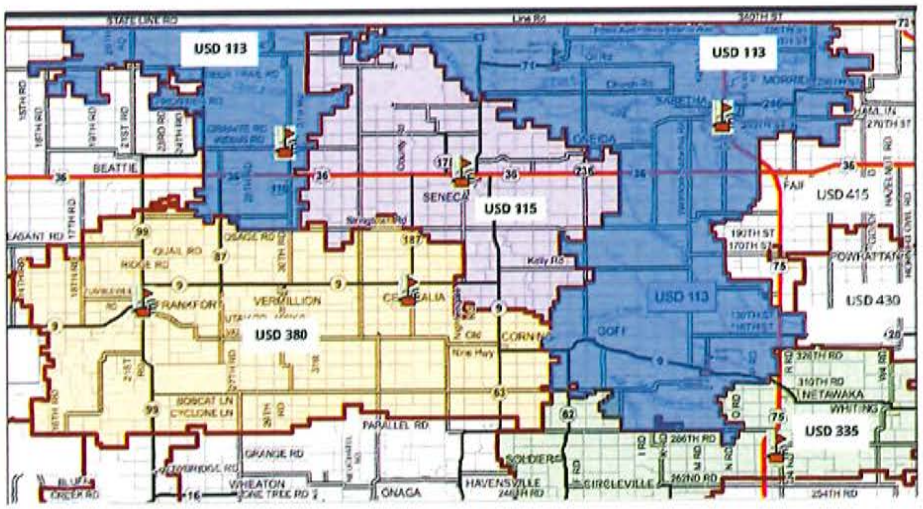
Unknown 3. Are a majority of the residents in the petitioned area tenants?

Yes **No** 4. Is this a housing development area or part of an industrial district? If yes, explain.

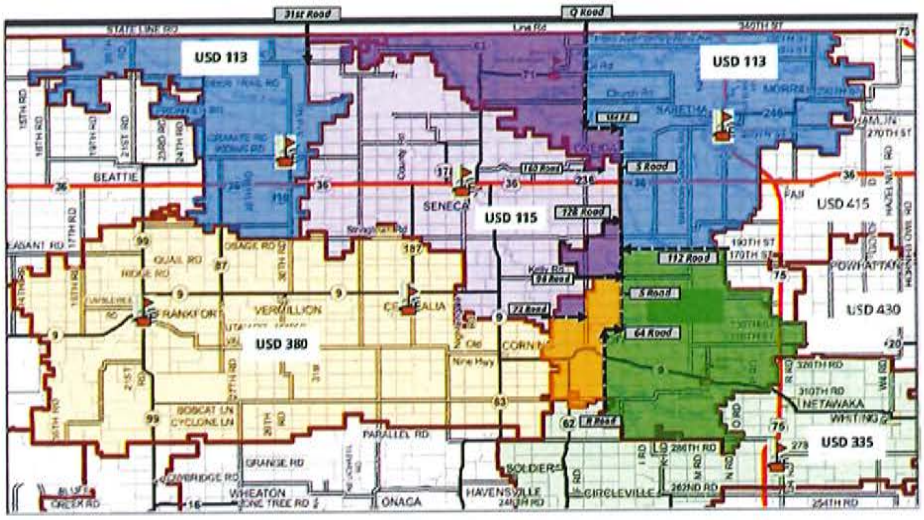
Yes No 5. Are there any other unusual characteristics of the petitioned area? If yes, explain.

While the petitioned territory is contiguous with the boundary of USD No. 115, the proposed transfer would break contiguity for USD No. 113-Prairie Hills. The proposed transfer would create two "lobes" of USD No. 113 separated by about 16 miles. *See* Current District Map *below compared to* USD No. 115 Petition-Proposal.

Current USD No. 113 District Map



USD No. 115 Petition-Proposal



Unknown 6. Do a majority of the resident families that have school-age children desire to transfer?

The survey data provided by USD No. 115 is incomplete and comprises a minority of the landowners in the proposed territory. Given the majority of landowners were not surveyed, the Board should presume they do not support the proposed transfer.

71% of the parcels represented in the Landowners Survey, excluding Government/Public Property, did not express a desire to transfer to USD No. 115 ("No Preference", "USD No. 113", and "Did Not Reach").

Unknown 7. Do a majority of the resident families that do not have school- age children desire to transfer?

The survey data provided by USD No. 115 is incomplete and comprises a minority of the landowners in the proposed territory. Given the majority of landowners were not surveyed, the Board should presume they do not support the proposed transfer.

71% of the parcels represented in the Landowners Survey, excluding Government/Public Property, did not express a desire to transfer to USD No. 115 ("No Preference", "USD No. 113", and "Did Not Reach").

Yes No 8. Do a majority of the nonresident landowners support the transfer?

The survey data provided by USD No. 115 is incomplete and comprises a minority of the landowners in the proposed territory. Given the majority of landowners were not surveyed, the Board should presume they do not support the proposed transfer.

71% of the parcels represented in the Landowners Survey, excluding Government/Public Property, did not express a desire to transfer to USD No. 115 ("No Preference", "USD No. 113", and "Did Not Reach").

Yes No 9. If this a request for a transfer of land on which there are no resident families?

Yes No 10. Does the "receiving" district have a policy of not accepting out-of-district pupils?

While USD No. 115 accepts out-of-district students, it does not accept all out-of-district students that apply. USD No. 115 has declined students in the past for reasons unrelated to capacity. USD No. 115 has declined to accept out-of-district special education students.

Further, USD No. 115 lacks the capacity for additional out-of-district students and declined to enroll 10 out-of-district students for the current school year because of a lack of capacity.

Yes No 11. If the "receiving" district accepts out-of-district pupils, does it charge tuition? If so, how much? Who pays it?

USD No. 115-Nemaha Central receives base state aid per pupil.

Yes No 12. Will the "receiving" district board permit its buses to enter other districts to pick up children at their homes if permission is granted?

Yes No 13. Does the "giving" district board permit buses of the "receiving" district to enter the petitioned area to pick up children?

USD No. 115-Nemaha Central does not bus students who live in-district but live more than 2.5 miles from their attendance center. USD No. 115, however, does bus out-of-district students.

Yes No 14. Will the "receiving" district permit buses of the "giving" district or other districts to enter its boundaries to pick up children?

Yes No 15. Are all or any of the pupils residing in the petitioned area attending school in the district of their choice? If yes, explain.

Students in the petitioned area attend both districts—suggesting at least most students are attending the school of their choice.

Yes No 16. Do any pupils who reside in the petitioned area and attend school in the "receiving" district live more than a mile from a "receiving" district bus pickup point or the attendance facility of each district? If yes, explain.

All the territory for which transfer is proposed is more than a mile from the attendance centers in either district.

Yes No 17. If the children of the petitioned area attend school in the "giving" district, are they required to walk more than a mile to board a district bus?

Yes No 18. Do physical conditions such as topography, roads, bridges, waterways, etc., make it more practical for the "receiving" district to serve the children in the petitioned area?

As discussed above, Bern is equidistant from both Sabetha and Seneca. There is no material difference in the travel to either city from Bern.

Yes No 19. Will an undue hardship be placed on pupils residing in the petitioned area if the transfer is not approved? If so, explain.

With the territory transferred by agreement from USD No. 113-Prairie Hills to USD No. 380-Vermillion and USD No. 335-Jackson Heights, the average valuation per pupil will already change substantially, thereby reducing the amount of State Aid to USD No. 113. The proposed transfer of another $18+ million in assessed valuation from USD No. 113 will exacerbate the impact of that calculation. A 42% increase in the Local Option Budget would be required to have a revenue neutral impact on District revenue.

Yes No 20. Would the transfer of the petitioned area and loss of enrollment or valuation impose a substantial financial hardship on the "giving" district?

Because of the intricacies of the Kansas State Aid Equalization Formula, the proposed transfer of territory to USD No. 115 would reduce local property taxes in USD No. 115. This would come at the expense of Kansas taxpayers statewide because it would result in USD No. 113 qualifying for additional state aid. *See* § III.C, *supra,* pp. 16-18.

As discussed above, the proposed transfer of over $18 million in assessed valuation from USD No. 113 will require a 42% increase in the Local Option Budget to have a revenue neutral impact on District revenue.

Yes No 21. Would the proposed transfer impair the ability of the "giving" district to offer and teach thirty units of credit?

Yes No 22. Are the schools of both districts accredited? If not, explain.

Yes No 23. Would a transfer of the petitioned area separate more than ¼ of the territory and taxable tangible valuation of the "giving" school district as it was constituted at time of unification?

The territory for which transfer is proposed comprises 77.4 square miles. USD No. 441, at the time of unification, was 221.8 square miles. One-fourth of 221.8 is 55.45. Thus, the proposed territory is more than ¼ of USD No. 488 as it was constituted at unification.

USD No. 113 prior to the mediated agreements with USD No. 335 and USD No. 380 comprised 528.84 square miles; the agreements transfer 90.01 square miles to USD No. 335-Jackson Heights (17.02% of USD 113's prior territory) and 27.86 square miles to USD No. 380-Vermillion (5.02% of USD 113's prior territory; the agreements transfer 22.29% of USD No. 113's territory. This reduces USD No. 113's territory to 410.97 square miles.

In sum, the petition seeks to transfer 18.8% of USD No. 113's territory remaining after the mediated agreements with USD No. 335 and 380.

Yes No 24. Are there reasons for requesting the transfer other than the educational needs of the children, such as an anticipated bond election in the "giving" district or a considerable higher tax levy in the "giving" district?

The educational needs of the children are being met without regard to the requested transfer. USD No. 115 chose to accept out-of-district students to the point of exceeding its capacity. The mill rates between the districts are not substantially different. USD No. 115 will be taking on an additional 14+ mills due to its recent bond election. The proposed territory is unaffected by that bond issue and will remain unaffected by that bond issue.

Yes **No** 25. Would a transfer substantially lessen the distance most pupils living in the petitioned area have to travel to school?

The Bern area is equidistant from Sabetha compared to Seneca.

Yes **No** 26. Are the pupils proposed to be transferred former students of a school closed by the "giving" district?

The Bern-Summerfield attendance centers were closed in 2012. *See* Exhibit 9 KSDE Open-Closing Building Report (excerpted). None of the students in the proposed territory are to be "transferred" because of the closure of the Bern attendance center.

Two students who attended the Wetmore attendance center (closed in 2023) enrolled in USD No. 115. The remainder of the 120 students are enrolled in USD No. 113, USD No. 380, and USD No. 335 with the majority going to USD No. 335.

27. What is the assessed valuation of the petitioned area?

Without regard to the valuation of the petitioned territory, the agreed transfer of territory from USD No. 113 to USD No. 335 and to USD No. 380, transfers $12,607,017 in valuation to USD No. 335 and $4,431,550 in valuation to USD No. 380—a transfer of a total valuation of $17,038,567 from USD No. 113.

The petitioned area represents a valuation of $18,172,66.

$14,230,248.00	Real Estate
1,217,182.00	Personal Property
2,725,236.00	Public Utility
$18,172,666.00	Total Assessed Valuation

[The remainder of this page is intentionally blank.]

IV. Briefly describe how each of the factors listed in subsection (d) of K.S.A. 72-532 impacts the request for transfer of territory.

(1) City boundaries and the area within three miles surrounding any city with more than one district in the area.

Bern, Kansas is entirely within the petitioned area. Bern is equidistant from Sabetha when compared with Seneca.

(2) Available capacity of districts involved in the territory transfer to serve existing or additional students.

USD No. 113-Prairie Hills has the current capacity to educate all students in the proposed area. USD No. 115-Nemaha Central does not have the current capacity to educate all students in the proposed area.

The Petition illustrates that USD No. 115-Nemaha Central does not have the capacity to accept all the students in the territory for which transfer is proposed. The petition concedes "USD No. 115 has operated at capacity as a result of the continued influx of out-of-district students ...." Filed Petition, p. 9. As discussed above, this "influx of out-of-district students" was (1) not entirely attributable to students from the petitioned territory as 40% of USD No. 115's out-of-district students are from somewhere other than the petitioned territory; (2) a voluntary choice by USD No. 115 that predates the advent of mandatory open enrollment. USD No. 115 **lacks** the capacity to serve the additional students in the petitioned territory that do not currently attend USD No. 115.

(3) Condition and age of buildings and physical plant.

Org. No.	Bldg. No.	Building Name	Building Level	Year Built	Date Opened
D0113	0398	Prairie Hills Central Office	Central Office	2009	07/01/2010
D0113	0399	Axtell High	High School	1930	07/01/2010
D0113	0409	Sabetha Elementary School	Elementary	1958	07/01/2010
D0113	0410	Sabetha High School	High School	1969	07/01/2010
D0113	0411	Sabetha Middle School	Middle School	1992	07/01/2010
D0113	0419	Community-Based Preschool	Special Ed Program - Community Based Preschool	2011	08/18/2011
D0113	0420	Home	Special Ed Program - Home	2011	08/18/2011
D0113	0421	K Time Program W/O SPED - USD 113	Early Childhood Program - General	2011	08/18/2011
D0113	0428	Off Site Non Public Buildings	Special Ed Program - Off Site Community Based	2011	08/18/2011
D0113	0462	Axtell Elementary School	Elementary	1930	07/01/2014

From Exhibit 8 KSDE OpenClosing Building Report (excerpted).

Org. No.	Bldg. No.	Building Name	Building Level	Year Built	Date Opened
D0115	0278	Nemaha Central Central Office	Central Office	1984	07/01/2011
D0115	0280	Nemaha Central Elementary and Middle School	Elementary	2009	08/18/2011
D0115	0281	Nemaha Central High School	High School	1968	08/18/2011
D0115	0283	USD 115 - Community-Based Preschool	Special Ed Program - Community Based Preschool	2010	08/18/2011
D0115	0293	USD 115 - K Time Program W/O SpEd	Early Childhood Program - General	2010	08/18/2011
D0115	0295	USD 115 - Off Site Non Public Buildings	Special Ed Program - Off Site Community Based	2010	08/18/2011
D0115	0296	USD #115- Home	Special Ed Program - Home	2011	09/11/2012
D0115	0297	Headstart	Early Childhood Program - Head Start	2013	08/07/2013

From Exhibit 8 KSDE OpenClosing Building Report, (excerpted).

The condition and age of buildings and physical plant are not a material factor.

(4) Overall costs including renovation of existing buildings versus construction.

USD No. 113-Prairie Hills has the current capacity to educate the students in the petitioned territory without renovation or construction of facilities.

The overall costs including renovation of existing buildings versus construction is not a material factor.

(5) Cost of busing.

Transfer of the proposed territory will increase the costs to the state. USD No. 115-Nemaha Central chose to bus out-of-district students in the proposed area to Nemaha Central attendance centers but does not receive transportation funding from the state. Upon transfer, USD No. 115 would become eligible for transportation funding as the home district of this area. However, USD No. 115

recently adopted a policy against busing students within the district that live outside Seneca but less than than 2.5 miles from their attendance center.

(6) Food service.

Food service is not a material factor.

(7) Administration and teachers.

Administration and teachers are not a material factor.

(8) Areas of interest including access and distances for parents to travel to participate in student activities.

As discussed above, Sabetha is equidistant to the petitioned territory when compared to Seneca.

Areas of interest including access and distances for parents to travel to participate in student activities is not a material factor.

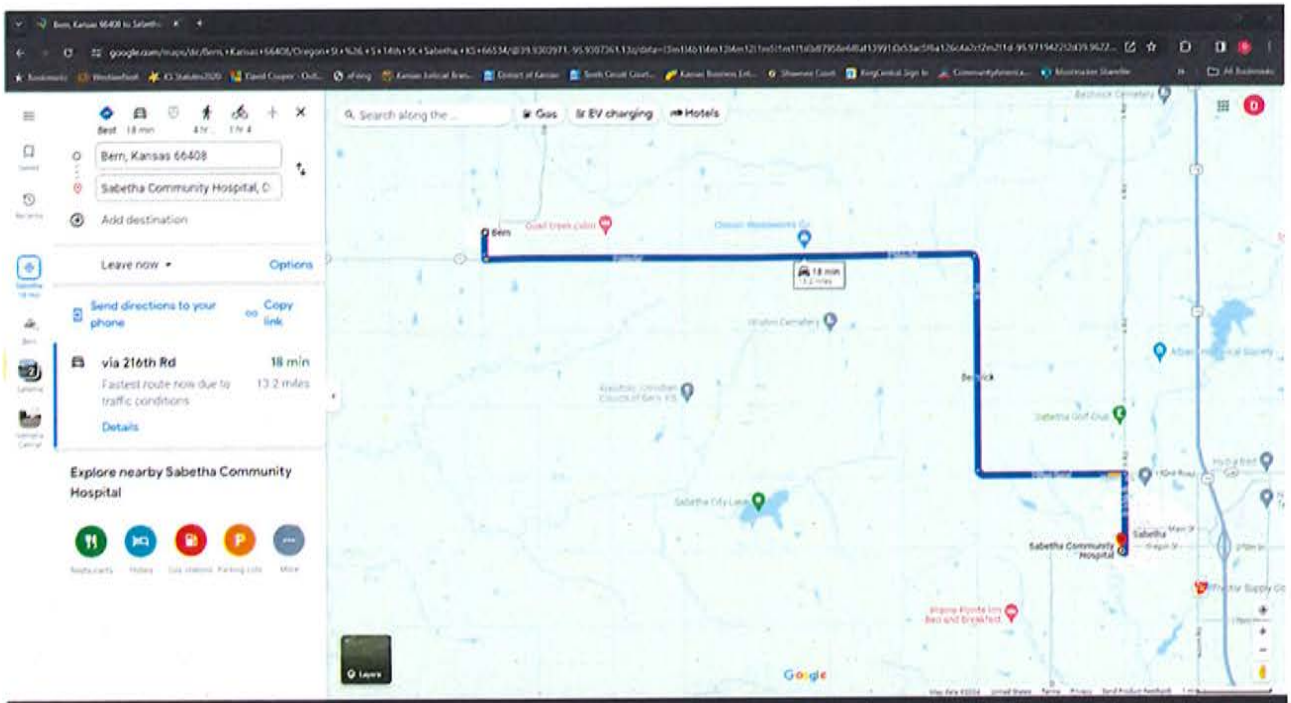
(9) Matters of commerce, including regular shopping areas, meeting places, community activities and youth activities.

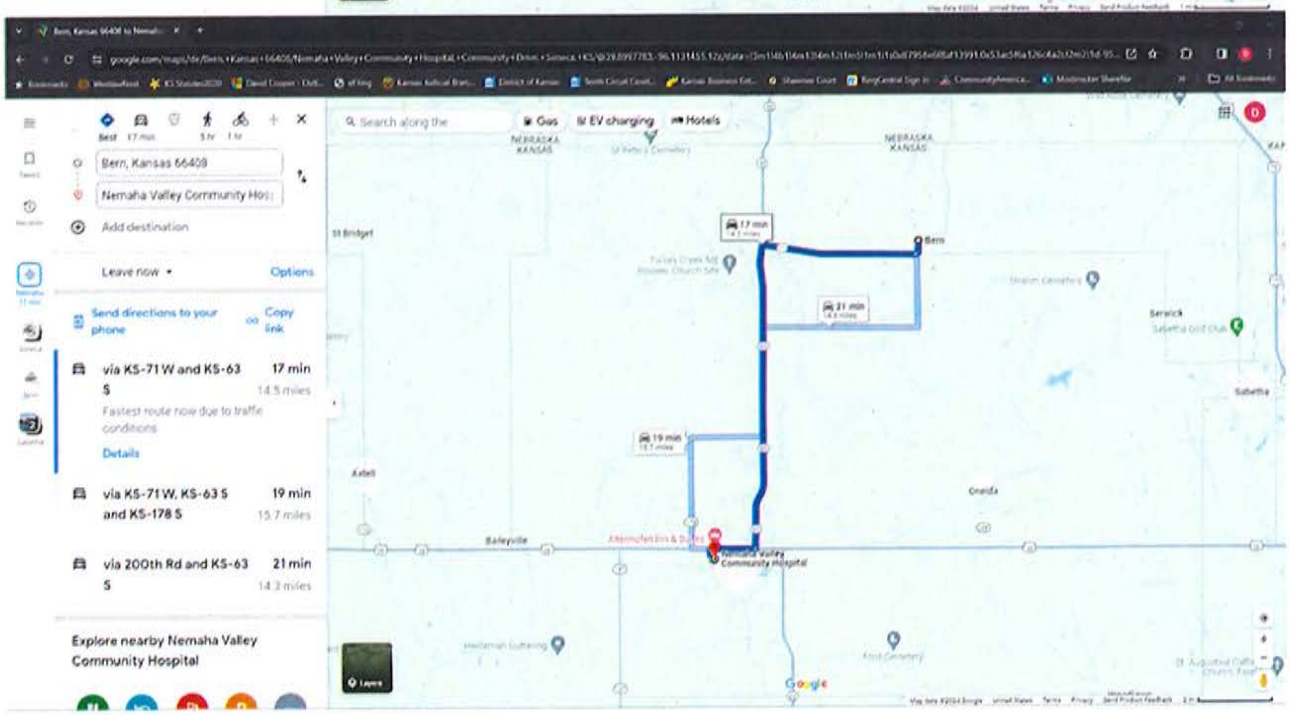
Sabetha, Kansas is on U.S. Highway 75, a major north-south artery in Kansas. The Kansas Department of Commerce identifies 2,500 jobs in Sabetha, with a population of less than 2,500. Many people commute into Sabetha for employment.

The City of Sabetha Parks & Recreation Department offers multiple opportunities for people of all ages from Sabetha and surrounding areas. Youth opportunities include tee ball, softball, baseball, soccer, basketball and volleyball. The Sabetha Aquatic Center offers lap swimming, water aerobics, and swim lessons. Sabetha also provides outdoor tennis courts, outdoor racquetball courts, an aquatic park , two lakes , a splash park, skate park, and two parks for play and outdoor activities.

Sabetha offers a host of retail businesses, including grocery, farm and home, fuel, and dining.

Sabetha Community Hospital is 25-bed acute care hospital with a 24-hour emergency room. The Sabetha Community Hospital is 13.2 miles from Bern while it is 14.3 miles from Bern to the Nemaha Valley Community Hospital in Seneca.



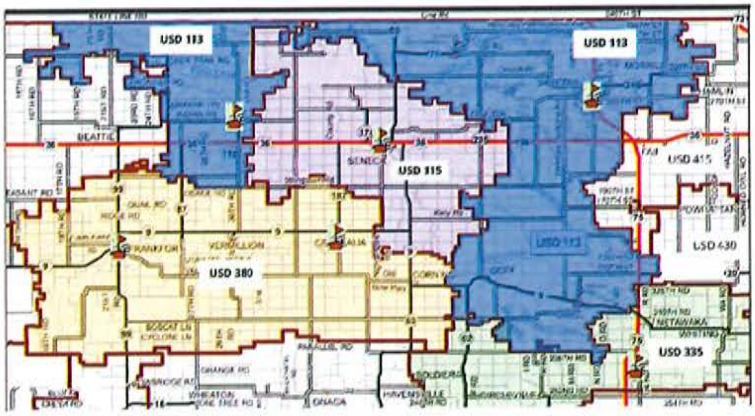


Matters of commerce, including regular shopping areas, meeting places, community activities and youth activities are not a material factor.

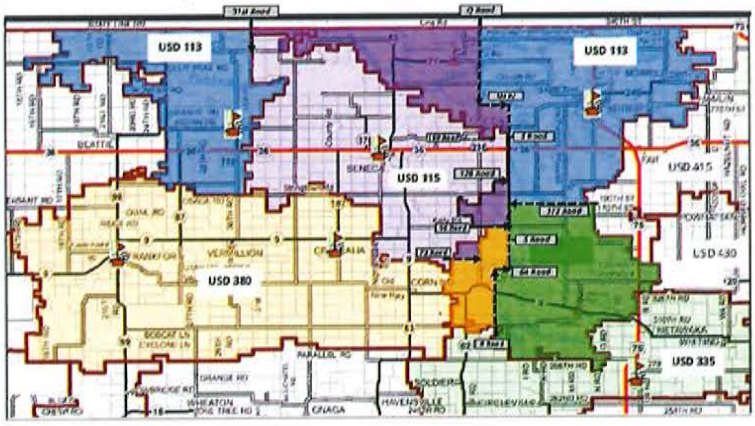
(10) Districts that are landlocked with changing demographics that cause declining enrollment.

The proposed transfer would create a landlock circumstance.

Current USD No. 113 District Map



USD No. 115 Petition-Proposal



The proposed transfer would landlock the western portion of USD No. 113 in Marshall County.

(11) Effect on students living in the area.

The transfer of territory would require the USD No. 113 students living in the area to be transferred to a different district.

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V. Conclusion

KSDE Guidelines on land transfers acknowledge, "The Kansas Supreme Court has determined land transfers must be consistent with, and not in derogation of, the purposes and provisions of the school unification acts." KSDE Guideline V, § I (Governing Law). *See State ex rel. Dix v. Board of Education*, 224 Kan. 38, 578 P.2d 692, 694 (1978).

KSDE Guidelines further provides:

> The following considerations assist the State Board in determining whether to grant a land transfer request.
>
> > 1) The ultimate consideration must be the long-term effect a transfer would have on students living in: (1) the petitioned area, (2) the receiving district, and (3) the giving district. It also must include whether the transfer would add to the general improvement of the public schools in the state and the equalization of the benefits and burdens of education throughout the affected communities.
> >
> > 2) To justify taking land, by petition, from one school district and giving it to another, a material change in circumstances of a substantial and weighty nature must exist so that a reasonable person would recognize that the educational interests of all affected children (inside and outside of the transfer area) could be better served by adjusting district boundaries, without any serious detrimental effect upon students or upon the district from which the land will be transferred.

KSDE Guideline V, § II.

The proposed transfer is in derogation of the results of the democratic process of consolidation—in which 82% of the voters in the proposed territory voted to consolidate to form USD No. 113.

There is no material change in circumstances justifying the transfer of territory from USD No. 113 to USD No. 115. The closure of the Wetmore attendance center was addressed by the mediated agreements with USD Nos. 335 and 380.

The proposed transfer does not add to the general improvement of the public schools. The proposed transfer would do nothing to change the status quo for the students in the affected area.

However, the proposed transfer would reduce the per capita tax burden on landowners in USD No. 115 while increasing the tax burden on landowners in USD No. 113 and the State General Fund.

The proposed transfer would cause an exacerbation of inequality—rather than improving the equalization of the benefits and burdens of education throughout the affected communities.

The proposed transfer would not better serve the educational interests of all affected students within and outside the proposed transfer area.

The petition should be denied.

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dcooper@fpsslaw.com
Attorney for USD No. 113 (Prairie Hills)

Certificate of Service

This certifies that on March 7, 2024, a true and correct copy of the foregoing was submitted via email and for filing with:

R. Scott Gordon, General Counsel
Office of the General Counsel
KANSAS STATE DEPARTMENT OF EDUCATION
900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
Tel: (785) 296-3204
sgordon@ksde.org (cc to: Cheryl D. Austin caustin@ksde.org)
Kansas State Board of Education

and a copy served via email to:

Joshua A. Ney, KS #24077
Ryan A. Kriegshauser, KS #23942
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Leawood, Kansas 66209
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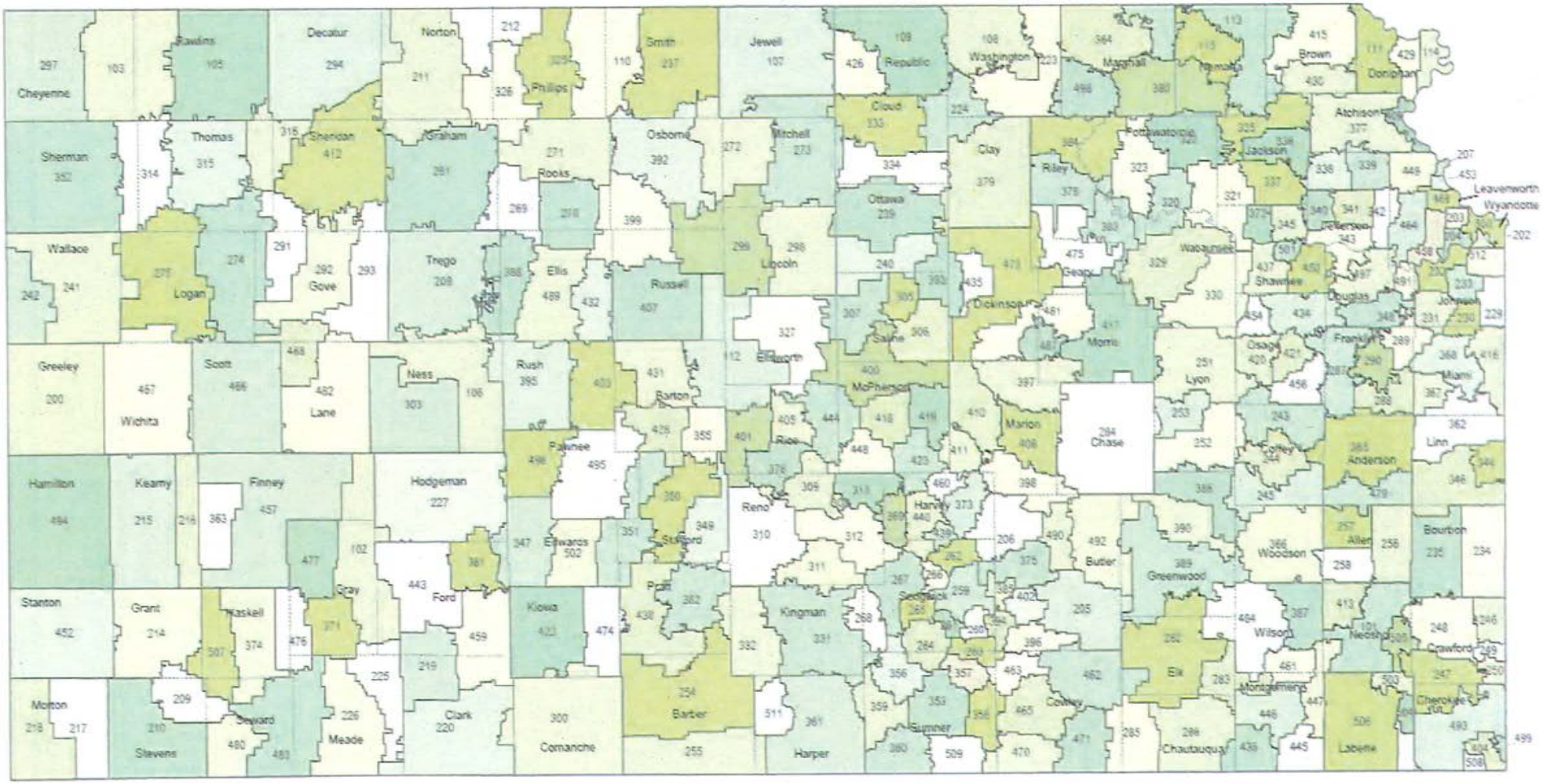
chad@tenpennylaw.com

/s/David R. Cooper

USD No. 113 Answer
Exhibit 1

Kansas Unified School Districts



KSDE School Bus Safety Unit

March 2018

ADR ASSOCIATES IN DISPUTE RESOLUTION, LLC
Mediation | Arbitration | System Design

www.adrmediate.com
212 SW 8th Avenue, Suite 207
Topeka, KS 66603

MEMORANDUM OF SETTLEMENT AGREEMENT

CASE CAPTION: In re Land Transfer USD 113 to USD 380

COURT: _____ CASE NUMBER: _____ DIVISION: _____

THE ABOVE REFERENCED MATTER WAS MEDIATED AND SETTLEMENT WAS REACHED THE TERMS ARE AS FOLLOWS:

Subject to approval by the Boards of Education of USD 380 and USD 113 and approval by the Kansas State Board of Education, the territory identified in the areas in the shaded areas 2.1, 2.2 and 1.3 of the attached map/diagram will be transferred from USD 113 to USD 380 effective July 1, 2024. USD 380, as the petitioning district shall bear the cost of securing the necessary boundary descriptions and abstractor certification.

The parties hereto acknowledge that each has the authority to execute this document to be fully binding on behalf of the person or entity indicated.

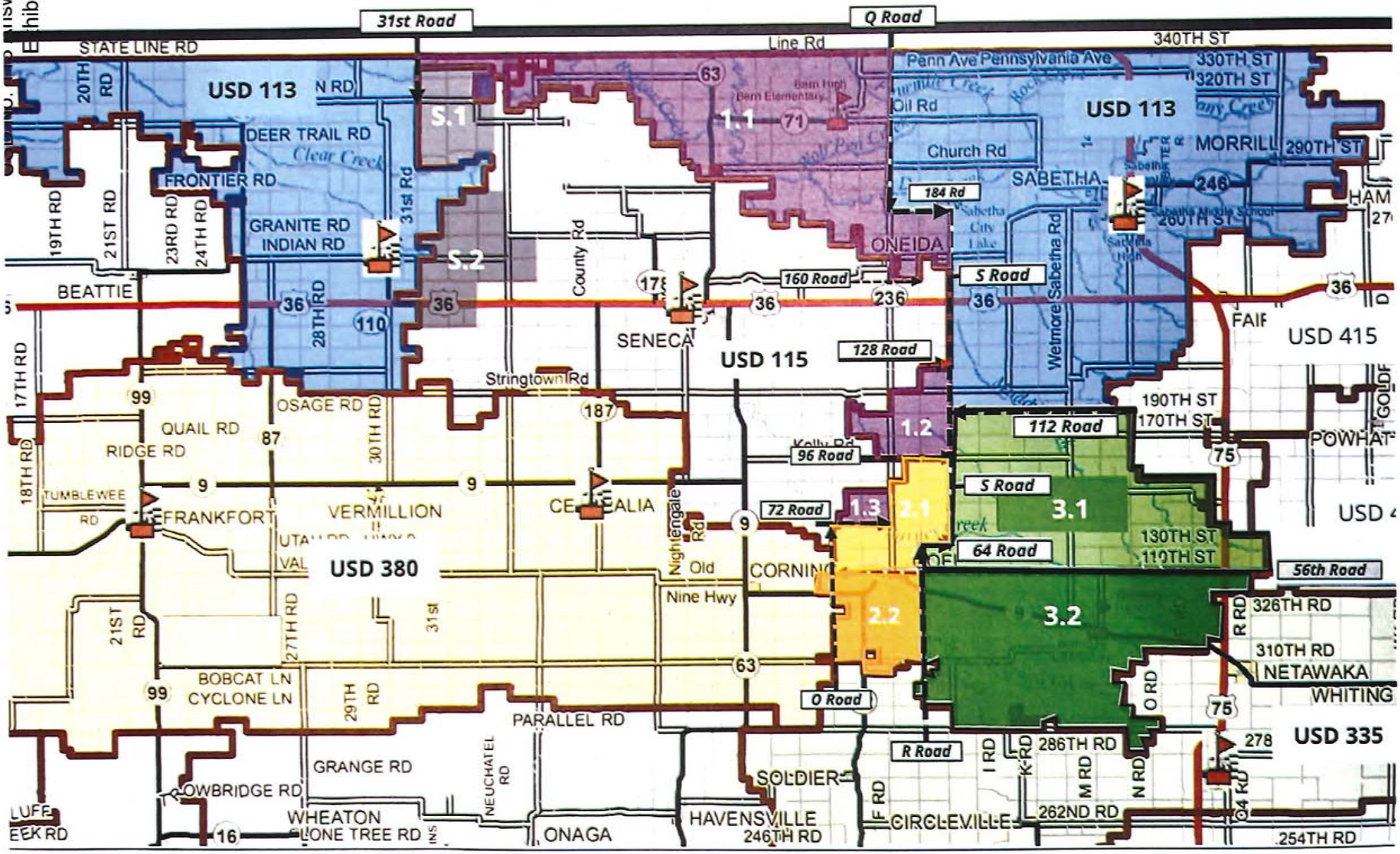
The parties intend this agreement to be binding and enforceable and, if necessary, this document can be introduced into evidence to enforce its terms. They further acknowledge and agree that, within a reasonable period of time hereafter they will enter into a formal settlement agreement setting forth in more detail the terms of the agreement including the amount of any and all payments and an agreement to release, discharge, and forever hold the other harmless from any and all rights and/or claims and to dismiss causes of action arising from or related to the events and transactions which are subject matter of this case.

Signed at Topeka, Kansas/ Missouri, this 6th day of December, 2023.

USD 380

USD 113

Land Transfer Discussion – September 2023



ADR ASSOCIATES IN DISPUTE RESOLUTION, LLC
Mediation | Arbitration | System Design

www.adrmediate.com
212 SW 8th Avenue, Suite 207
Topeka, KS 66603

MEMORANDUM OF SETTLEMENT AGREEMENT

CASE CAPTION: In re Land Transfer USD 335 from USD 113

COURT: KSBE CASE NUMBER: _____ DIVISION: _____

THE ABOVE REFERENCED MATTER WAS MEDIATED AND SETTLEMENT WAS REACHED THE TERMS ARE AS FOLLOWS:

Subject to approval by the BOE of USD 335 & USD 113 and approval by the KS State Bd. of Education the ~~bar~~ boundary line between USD 113 and USD 335 shall be 60 Road (Nemaha County) and 140 Road (Brown County) as represented on the attached map/diagram. DRC effective July 1, 2024. USD 335 as the petitioning district shall bear the costs of securing the necessary boundary descriptions and abstractor certification.

The parties hereto acknowledge that each has the authority to execute this document to be fully binding on behalf of the person or entity indicated.

The parties intend this agreement to be binding and enforceable and, if necessary, this document can be introduced into evidence to enforce its terms. They further acknowledge and agree that, within a reasonable period of time hereafter they will enter into a formal settlement agreement setting forth in more detail the terms of the agreement including the amount of any and all payments and an agreement to release, discharge, and forever hold the other harmless from any and all rights and/or claims and to dismiss causes of action arising from or related to the events and transactions which are subject matter of this case.

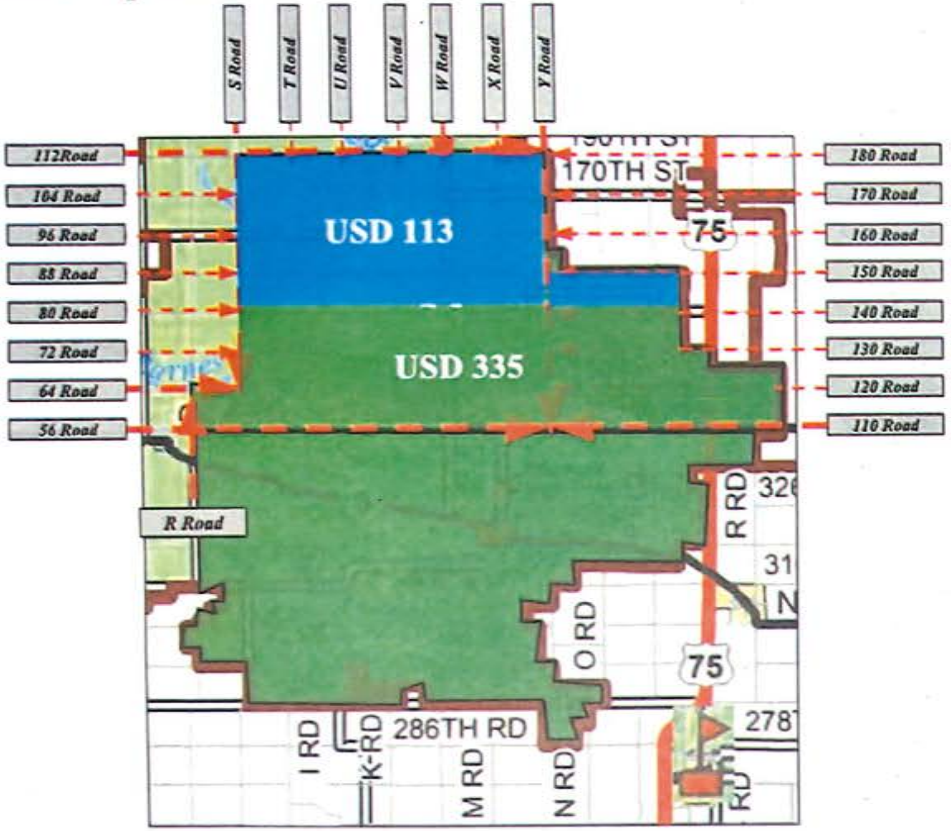
Signed at Topeka, Kansas/ Missouri, this 6th day of December, 2023.

USD 335

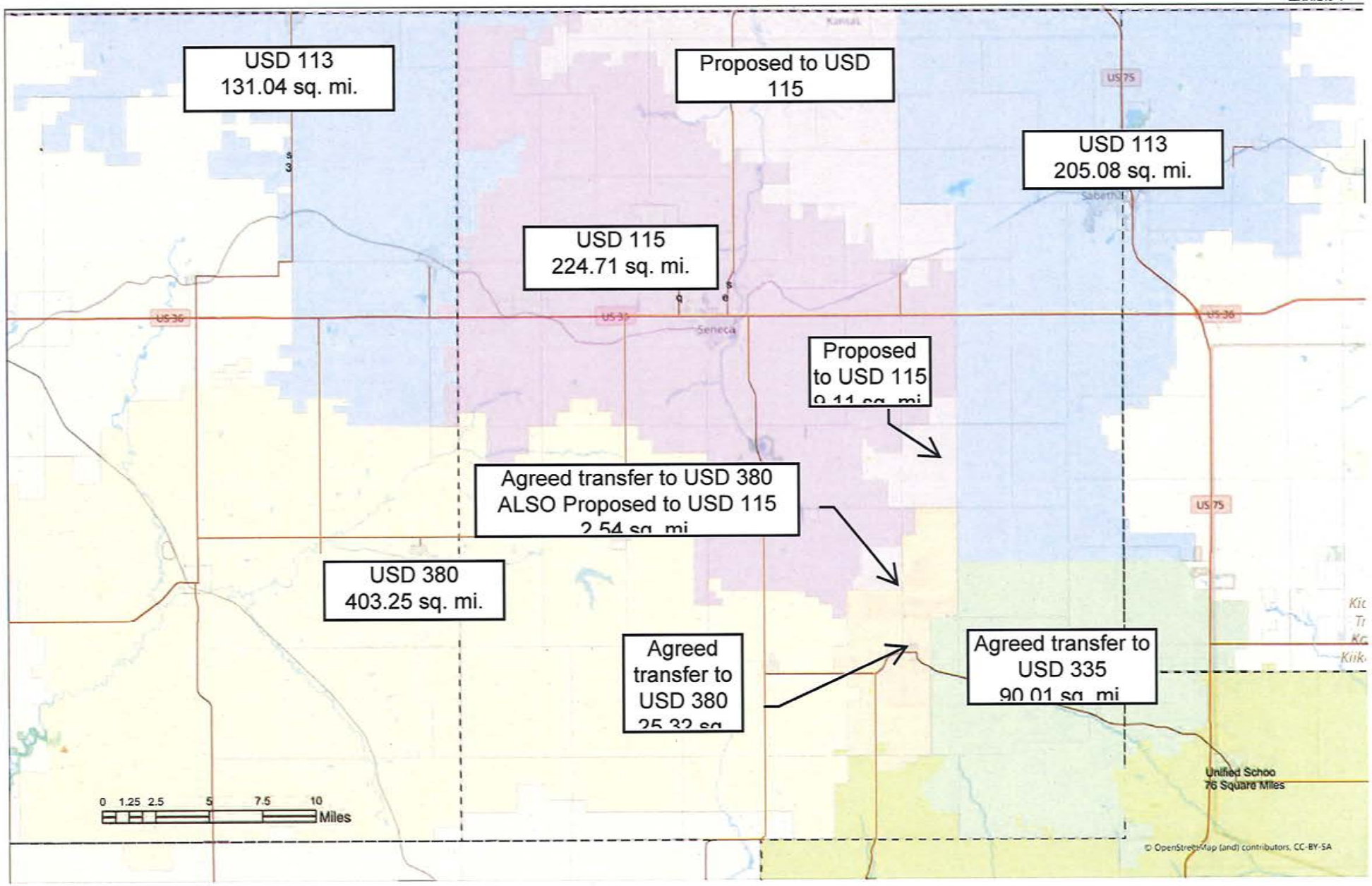
USD 113

Proposed transfer from USD 113 to USD 335 – Mediated Proposal

Mediated Proposal 5.0



Link to map to zoom in on boundaries: https://www.arcgis.com/home/webmap/viewer.html?webmap=453a26ce52704907af648b6568d6fb3d&extent=-101.421,36.9528,-94.6754,40.211


USD 113
131.04 sq. mi.
Proposed to USD 115
USD 113
205.08 sq. mi.
USD 115
224.71 sq. mi.
Seneca
Proposed to USD 115
Agreed transfer to USD 380
ALSO Proposed to USD 115
USD 380
403.25 sq. mi.
Agreed transfer to USD 380
Agreed transfer to USD 335
90.01 sq. mi.
US-36
US-75
0 1.25 2.5 5 7.5 10
Miles
Unified Schoo
76 Square Miles
© OpenStreetMap (and) contributors, CC-BY-SA

USD 113 Assessed Valuation Transfer Proposal
2023 Estimated Valuation
Updated Proposal 12/7/2023

New Boundary at 80 Road in Nemaha County and 140 Road in Brown County

USD 335

County	Real Estate	Utilities (allocated)	Personal Property	Oil	Gas	Total Valuation
Brown	2,126,031	-	40,853	-	-	2,166,884
Jackson	945,953	-	-	-	-	945,953
Nemaha	7,028,090	1,611,251	854,839	-	-	9,494,180
USD 335 Total	**10,100,074**	**1,611,251**	**895,692**	**-**	**-**	**12,607,017**

USD 380 Tracts 2.1 and 2.2 shown in mediated agreement

County	Real Estate	Utilities (allocated)	Personal Property	Oil	Gas	Total Valuation
Nemaha	2,816,329	1,005,187	417,832	-	-	4,239,348
USD 380 Total	**2,816,329**	**1,005,187**	**417,832**	**-**	**-**	**4,239,348**

USD 380 Tract 1.3 shown in mediated agreement

County	Real Estate	Utilities (allocated)	Personal Property	Oil	Gas	Total Valuation
Nemaha	136,481	4,228	51,493	-	-	192,202
USD 380 Total	**136,481**	**4,228**	**51,493**	**-**	**-**	**192,202**

Total Proposed Transfer	**17,038,567**

USD 113 Assessed Valuation Transfer Proposal
2023 Estimated Valuation
Updated Proposal 12/7/2023

New Boundary at 80 Road in Nemaha County and 140 Road in Brown County

USD 335

County	Real Estate	Utilities (allocated)	Personal Property	Oil	Gas	Total Valuation
Brown	2,126,031	-	40,853	-	-	2,166,884
Jackson	945,953	-	-	-	-	945,953
Nemaha	7,028,090	1,611,251	854,839	-	-	9,494,180
USD 335 Total	**10,100,074**	**1,611,251**	**895,692**	**-**	**-**	**12,607,017**

USD 380 Tracts 2.1 and 2.2 shown in mediated agreement

County	Real Estate	Utilities (allocated)	Personal Property	Oil	Gas	Total Valuation
Nemaha	2,816,329	1,005,187	417,832	-	-	4,239,348
USD 380 Total	**2,816,329**	**1,005,187**	**417,832**	**-**	**-**	**4,239,348**

USD 380 Tract 1.3 shown in mediated agreement

County	Real Estate	Utilities (allocated)	Personal Property	Oil	Gas	Total Valuation
Nemaha	136,481	4,228	51,493	-	-	192,202
USD 380 Total	**136,481**	**4,228**	**51,493**	**-**	**-**	**192,202**

Total Proposed Transfer	**17,038,567**

Data is for SY 2023

The number of Out of District Students is a subset of the Total Enrollment

ORG. #	ORGANIZATION NAME	SCHOOL YEAR	Total Enrollment	Students
D0101	Erie-Galesburg	2022-2023	416	74
D0102	Cimarron-Ensign	2022-2023	604	69
D0103	Cheylin	2022-2023	149	16
D0105	Rawlins County	2022-2023	375	30
D0106	Western Plains	2022-2023	115	7
D0107	Rock Hills	2022-2023	374	25
D0108	Washington Co. Schools	2022-2023	358	21
D0109	Republic County	2022-2023	505	39
D0110	Thunder Ridge Schools	2022-2023	177	6
D0111	Doniphan West Schools	2022-2023	365	52
D0112	Central Plains	2022-2023	1720	1264
D0113	Prairie Hills	2022-2023	1064	123
D0114	Riverside	2022-2023	643	40
D0115	Nemaha Central	2022-2023	737	123
D0200	Greeley County Schools	2022-2023	230	4
D0202	Turner-Kansas City	2022-2023	3907	113
D0203	Piper-Kansas City	2022-2023	2692	50
D0204	Bonner Springs	2022-2023	2465	64
D0205	Bluestem	2022-2023	527	68
D0206	Remington-Whitewater	2022-2023	472	87
D0207	Fort Leavenworth	2022-2023	1526	154
D0208	Trego	2022-2023	377	4
D0209	Moscow Public Schools	2022-2023	138	33
D0210	Hugoton Public Schools	2022-2023	1019	12
D0211	Norton Community Schools	2022-2023	686	36
D0212	Northern Valley	2022-2023	156	38
D0214	Ulysses	2022-2023	1538	10
D0215	Lakin	2022-2023	622	46
D0216	Deerfield	2022-2023	243	52
D0217	Rolla	2022-2023	96	7
D0218	Elkhart	2022-2023	1663	1284
D0219	Minneola	2022-2023	252	70
D0220	Ashland	2022-2023	191	20
D0223	Barnes	2022-2023	481	50
D0224	Clifton-Clyde	2022-2023	298	29
D0225	Fowler	2022-2023	69	1
D0226	Meade	2022-2023	364	32
D0227	Unified School District 227	2022-2023	290	11
D0229	Blue Valley	2022-2023	22629	250
D0230	Spring Hill	2022-2023	5308	1667
D0231	Gardner Edgerton	2022-2023	5858	72
D0232	De Soto	2022-2023	7385	94
D0233	Olathe	2022-2023	28745	306

D0234	Fort Scott	2022-2023	1828	38
D0235	Uniontown	2022-2023	471	103
D0237	Smith Center	2022-2023	452	30
D0239	North Ottawa County	2022-2023	629	65
D0240	Twin Valley	2022-2023	605	238
D0241	Wallace County Schools	2022-2023	186	20
D0242	Weskan	2022-2023	106	41
D0243	Lebo-Waverly	2022-2023	464	88
D0244	Burlington	2022-2023	823	95
D0245	LeRoy-Gridley	2022-2023	170	14
D0246	Northeast	2022-2023	472	36
D0247	Cherokee	2022-2023	457	106
D0248	Girard	2022-2023	1024	183
D0249	Frontenac Public Schools	2022-2023	912	390
D0250	Pittsburg	2022-2023	3364	208
D0251	North Lyon County	2022-2023	344	40
D0252	Southern Lyon County	2022-2023	524	122
D0253	Emporia	2022-2023	4344	123
D0254	Barber County North	2022-2023	471	8
D0255	South Barber	2022-2023	214	7
D0256	Marmaton Valley	2022-2023	272	77
D0257	Iola	2022-2023	1160	99
D0258	Humboldt	2022-2023	968	462
D0259	Wichita	2022-2023	46880	871
D0260	Derby	2022-2023	7275	526
D0261	Haysville	2022-2023	5777	630
D0262	Valley Center Pub Sch	2022-2023	3194	106
D0263	Mulvane	2022-2023	1817	118
D0264	Clearwater	2022-2023	1089	84
D0265	Goddard	2022-2023	6316	444
D0266	Maize	2022-2023	7862	560
D0267	Renwick	2022-2023	1925	240
D0268	Cheney	2022-2023	816	88
D0269	Palco	2022-2023	94	10
D0270	Plainville	2022-2023	393	57
D0271	Stockton	2022-2023	279	4
D0272	Waconda	2022-2023	328	20
D0273	Beloit	2022-2023	842	127
D0274	Oakley	2022-2023	457	47
D0275	Triplains	2022-2023	68	1
D0281	Graham County	2022-2023	414	19
D0282	West Elk	2022-2023	535	246
D0283	Elk Valley	2022-2023	107	53
D0284	Chase County	2022-2023	364	33
D0285	Cedar Vale	2022-2023	140	2
D0286	Chautauqua Co Community	2022-2023	382	24
D0287	West Franklin	2022-2023	607	72

D0288	Central Heights	2022-2023	531	164
D0289	Wellsville	2022-2023	805	58
D0290	Ottawa	2022-2023	2309	100
D0291	Grinnell Public Schools	2022-2023	62	13
D0292	Wheatland	2022-2023	111	11
D0293	Quinter Public Schools	2022-2023	312	56
D0294	Oberlin	2022-2023	405	10
D0297	St Francis Comm Sch	2022-2023	305	18
D0298	Lincoln	2022-2023	332	11
D0299	Sylvan Grove	2022-2023	244	18
D0300	Comanche County	2022-2023	311	6
D0303	Ness City	2022-2023	279	67
D0305	Salina	2022-2023	6910	74
D0306	Southeast Of Saline	2022-2023	682	205
D0307	Ell-Saline	2022-2023	419	170
D0308	Hutchinson Public Schools	2022-2023	4255	368
D0309	Nickerson	2022-2023	1040	277
D0310	Fairfield	2022-2023	284	4
D0311	Pretty Prairie	2022-2023	304	47
D0312	Haven Public Schools	2022-2023	783	105
D0313	Buhler	2022-2023	2459	681
D0314	Brewster	2022-2023	119	30
D0315	Colby Public Schools	2022-2023	964	32
D0316	Golden Plains	2022-2023	156	61
D0320	Wamego	2022-2023	1615	126
D0321	Kaw Valley	2022-2023	1068	212
D0322	Onaga-Havensville-Wheaton	2022-2023	313	16
D0323	Rock Creek	2022-2023	1332	94
D0325	Phillipsburg	2022-2023	576	57
D0326	Logan	2022-2023	123	12
D0327	Ellsworth	2022-2023	645	20
D0329	Wabaunsee	2022-2023	396	26
D0330	Mission Valley	2022-2023	461	113
D0331	Kingman - Norwich	2022-2023	956	34
D0332	Cunningham	2022-2023	206	0
D0333	Concordia	2022-2023	1121	48
D0334	Southern Cloud	2022-2023	163	24
D0335	North Jackson	2022-2023	394	143
D0336	Holton	2022-2023	1115	150
D0337	Royal Valley	2022-2023	847	92
D0338	Valley Falls	2022-2023	384	53
D0339	Jefferson County North	2022-2023	434	111
D0340	Jefferson West	2022-2023	829	106
D0341	Oskaloosa Public Schools	2022-2023	554	61
D0342	McLouth	2022-2023	449	78
D0343	Perry Public Schools	2022-2023	759	198

D0344	Pleasanton	2022-2023	359	27
D0345	Seaman	2022-2023	3831	270
D0346	Jayhawk	2022-2023	565	76
D0347	Kinsley-Offerle	2022-2023	280	27
D0348	Baldwin City	2022-2023	1375	97
D0349	Stafford	2022-2023	262	34
D0350	St John-Hudson	2022-2023	326	41
D0351	Macksville	2022-2023	192	33
D0352	Goodland	2022-2023	931	10
D0353	Wellington	2022-2023	1485	18
D0355	Ellinwood Public Schools	2022-2023	481	42
D0356	Conway Springs	2022-2023	479	34
D0357	Belle Plaine	2022-2023	575	61
D0358	Oxford	2022-2023	462	130
D0359	Argonia Public Schools	2022-2023	145	14
D0360	Caldwell	2022-2023	248	12
D0361	Chaparral Schools	2022-2023	814	21
D0362	Prairie View	2022-2023	849	56
D0363	Holcomb	2022-2023	960	204
D0364	Marysville	2022-2023	779	38
D0365	Garnett	2022-2023	944	52
D0366	Woodson	2022-2023	403	45
D0367	Osawatomie	2022-2023	1064	33
D0368	Unified School District 368	2022-2023	1813	150
D0369	Burrton	2022-2023	163	14
D0371	Montezuma	2022-2023	218	44
D0372	Silver Lake	2022-2023	674	79
D0373	Newton	2022-2023	3172	105
D0374	Sublette	2022-2023	388	30
D0375	Circle	2022-2023	2056	605
D0376	Sterling	2022-2023	469	62
D0377	Atchison Co Comm Schools	2022-2023	500	66
D0378	Riley County	2022-2023	680	146
D0379	Clay County	2022-2023	1320	53
D0380	Vermillion	2022-2023	628	67
D0381	Spearville	2022-2023	327	116
D0382	Pratt	2022-2023	1153	74
D0383	Manhattan-Ogden	2022-2023	6948	313
D0384	Blue Valley	2022-2023	254	34
D0385	Andover	2022-2023	9070	3417
D0386	Madison-Virgil	2022-2023	238	17
D0387	Altoona-Midway	2022-2023	145	13
D0388	Ellis	2022-2023	388	37
D0389	Eureka	2022-2023	548	31
D0390	Hamilton	2022-2023	103	61
D0392	Osborne County	2022-2023	339	11

D0393	Solomon	2022-2023	351	109
D0394	Rose Hill Public Schools	2022-2023	1689	311
D0395	LaCrosse	2022-2023	296	21
D0396	Douglass Public Schools	2022-2023	637	105
D0397	Centre	2022-2023	523	383
D0398	Peabody-Burns	2022-2023	219	8
D0399	Paradise	2022-2023	111	33
D0400	Smoky Valley	2022-2023	1106	313
D0401	Chase-Raymond	2022-2023	143	3
D0402	Augusta	2022-2023	2082	232
D0403	Otis-Bison	2022-2023	233	78
D0404	Riverton	2022-2023	704	213
D0405	Lyons	2022-2023	751	23
D0407	Russell County	2022-2023	771	14
D0408	Marion-Florence	2022-2023	502	45
D0409	Atchison Public Schools	2022-2023	1498	107
D0410	Durham-Hillsboro-Lehigh	2022-2023	629	38
D0411	Goessel	2022-2023	285	40
D0412	Hoxie Community Schools	2022-2023	415	38
D0413	Chanute Public Schools	2022-2023	1798	141
D0415	Hiawatha	2022-2023	894	51
D0416	Louisburg	2022-2023	1734	75
D0417	Morris County	2022-2023	780	43
D0418	McPherson	2022-2023	2296	80
D0419	Canton-Galva	2022-2023	333	59
D0420	Osage City	2022-2023	702	84
D0421	Lyndon	2022-2023	420	40
D0422	Kiowa County	2022-2023	429	46
D0423	Moundridge	2022-2023	488	43
D0426	Pike Valley	2022-2023	221	58
D0428	Great Bend	2022-2023	2903	105
D0429	Troy Public Schools	2022-2023	314	31
D0430	South Brown County	2022-2023	529	60
D0431	Hoisington	2022-2023	743	138
D0432	Victoria	2022-2023	274	59
D0434	Santa Fe Trail	2022-2023	1052	87
D0435	Abilene	2022-2023	1497	195
D0436	Caney Valley	2022-2023	769	103
D0437	Auburn-Washburn USD 437	2022-2023	6049	29
D0438	Skyline Schools	2022-2023	373	283
D0439	Sedgwick Public Schools	2022-2023	506	133
D0440	Halstead	2022-2023	818	59
D0443	Dodge City	2022-2023	7202	83
D0444	Little River	2022-2023	283	75
D0445	Coffeyville	2022-2023	1686	12
D0446	Independence	2022-2023	2055	122

D0447	Cherryvale	2022-2023	690	83
D0448	Inman	2022-2023	415	76
D0449	Easton	2022-2023	642	189
D0450	Shawnee Heights	2022-2023	3722	307
D0452	Stanton County	2022-2023	410	2
D0453	Leavenworth	2022-2023	3608	323
D0454	Burlingame Public School	2022-2023	294	17
D0456	Marais Des Cygnes Valley	2022-2023	198	32
D0457	Garden City	2022-2023	7107	48
D0458	Basehor-Linwood	2022-2023	3012	236
D0459	Bucklin	2022-2023	218	12
D0460	Hesston	2022-2023	870	157
D0461	Neodesha	2022-2023	755	110
D0462	Central	2022-2023	288	56
D0463	Udall	2022-2023	322	2
D0464	Tonganoxie	2022-2023	1937	45
D0465	Winfield	2022-2023	2175	71
D0466	Scott County	2022-2023	961	53
D0467	Leoti	2022-2023	382	13
D0468	Healy Public Schools	2022-2023	38	12
D0469	Lansing	2022-2023	2651	316
D0470	Arkansas City	2022-2023	2888	36
D0471	Dexter	2022-2023	270	128
D0473	Chapman	2022-2023	1147	179
D0474	Haviland	2022-2023	90	6
D0475	Geary County Schools	2022-2023	7260	19
D0476	Copeland	2022-2023	99	18
D0477	Ingalls	2022-2023	234	108
D0479	Crest	2022-2023	247	79
D0480	Liberal	2022-2023	4622	20
D0481	Rural Vista	2022-2023	261	62
D0482	Dighton	2022-2023	244	37
D0483	Kismet-Plains	2022-2023	586	5
D0484	Fredonia	2022-2023	650	49
D0487	Herington	2022-2023	449	59
D0489	Hays	2022-2023	3401	243
D0490	El Dorado	2022-2023	2102	305
D0491	Eudora	2022-2023	1678	163
D0492	Flinthills	2022-2023	281	83
D0493	Columbus	2022-2023	934	52
D0494	Syracuse	2022-2023	549	7
D0495	Ft Larned	2022-2023	854	32
D0496	Pawnee Heights	2022-2023	149	38
D0497	Lawrence	2022-2023	10896	563
D0498	Valley Heights	2022-2023	408	33
D0499	Galena Unified School District No 499	2022-2023	812	209
D0500	Kansas City	2022-2023	22973	69

D0501	Topeka Public Schools	2022-2023	12855	1
D0502	Lewis	2022-2023	113	22
D0503	Parsons	2022-2023	1335	147
D0504	Oswego	2022-2023	498	205
D0505	Chetopa-St. Paul	2022-2023	373	131
D0506	Labette County	2022-2023	1514	534
D0507	Satanta	2022-2023	236	13
D0508	Baxter Springs	2022-2023	875	157
D0509	South Haven	2022-2023	207	74
D0511	Attica	2022-2023	176	45
D0512	Shawnee Mission Pub Sch	2022-2023	26440	80
			484068	35387

Declaration of Dennis R. Stones

I, Dennis R. Stones, am over the age of 18, am competent to give testimony in a court of law and I have personal knowledge of the facts recited in this Declaration.

I was the Principal of Sabetha High School from 1992 to 1996. I was the Assistant Superintendent of USD No. 441-Sabetha from 1996 to 1999. I became the Superintendent of USD No. 441-Sabetha in 1999.

Prior to 2010, USD No. 488-Axtell-Bern-Summerfield approached USD No. 442-Nemaha Valley for consolidation. USD No. 442-Nemaha Valley did not entertain the request for consolidation with USD No. 488-Axtell-Bern-Summerfield. USD No. 488-Axtell-Bern-Summerfield then approached USD No. 451 B&B for consolidation. USD No. 451 also rejected consolidation with USD No. 488.

USD No. 488-Axtell-Bern-Summerfield approached USD No. 441-Sabetha in 2010 about consolidation. The Boards of Education of the two districts approved consolidation. The voters of USD No. 488-Axtell-Bern-Summerfield and USD No. 441-Sabetha approved consolidation. The consolidation was approved by the Kansas State Board of Education and the two districts consolidated to form USD No. 113-Prairie Hills effective July 1, 2010.

I continued as the Superintendent of USD No. 113-Prairie Hills from 2010 to 2012.

The Board of Education of USD No. 113-Prairie Hills voted to close the attendance centers in Summerfield and Bern in 2012 and the buildings were closed in May 2012. Upon the closure of the buildings in Bern, fliers signed by the High School and Elementary School Principals of USD No. 442-Nemaha Valley were distributed to families in the Bern area recruiting students to enroll in USD No. 442-Nemaha Valley.

Pursuant to 28 U.S.C. § 1746 and K.S.A. 53-601, I declare (or verify, certify or state) under penalty of perjury that the foregoing is true and correct.

Executed on March 5, 2024.

Dennis R Stones

Dennis R. Stones

Consolidation passes
New board must work quickly to determine district name, hire superintendent and certified staff

Amber Deters
Managing Editor
The Sabetha Herald

No more USD No. 441 or 488. District patrons in Sabetha, Wetmore, Bern, Axtell and Summerfield now can expect to identify with a number in the 100's.

On Tuesday, May 25, patrons in both districts approved a consolidation of the two districts — by an overwhelming 82 percent majority in USD No. 488 and a 61 percent majority in USD No. 441.

USD No. 441 patrons in Nemaha County voted 662 yes, 404 no for the consolidation.

Brown County patrons voted 65 yes, 63 no. No patrons from Jackson County voted in the election.

The combined vote for USD No. 441 was 727 yes, 467 no.

USD No. 488 patrons in Nemaha County voted 526 yes, 108 no. Marshall County patrons voted 334 yes, 76 no.

The combined vote for USD No. 488 was 860 yes, 184 no.

Official, canvassed election results were not available at *The Herald*'s press time.

The new, transition school board, was scheduled to meet in special session at 8 p.m. Tuesday, June 1.

The board was set to determine a new district name, as well as approve the hiring of a superintendent and certified staff.

The Kansas State Board of Education will assign a new school district number at its June meeting, but Superintendent Stones said it is likely the number will be somewhere in the 100's.

The new district will take effect July 1.

Org. No.	Bldg. No.	Organization Name	Building Name	County Name	Building Level	Year Built	Date Opened	Date Closed
D0112	0431	Central Plains	USD 112-Off Site Non Public Bldg	Ellsworth	Special Ed Program - Off Site Community Based	2012	08/20/2012	
D0112	1129	Central Plains	Central Plains Adult Diploma Program	Barton	High School	2020	07/01/2021	
D0113	0398	Prairie Hills	Prairie Hills Central Office	Nemaha	Central Office	2009	07/01/2010	
D0113	0399	Prairie Hills	Axtell High	Marshall	High School	1930	07/01/2010	
D0113	0400	Prairie Hills	Bern Elementary	Nemaha	Elementary	1980	07/01/2010	05/25/2012
D0113	0401	Prairie Hills	Bern High School	Nemaha	High School	1959	07/01/2010	05/25/2012
D0113	0409	Prairie Hills	Sabetha Elementary School	Nemaha	Elementary	1958	07/01/2010	
D0113	0410	Prairie Hills	Sabetha High School	Nemaha	High School	1969	07/01/2010	
D0113	0411	Prairie Hills	Sabetha Middle School	Nemaha	Middle School	1992	07/01/2010	
D0113	0412	Prairie Hills	Summerfield Elementary	Marshall	Elementary	1950	07/01/2010	06/30/2014
D0113	0413	Prairie Hills	Wetmore Elementary	Nemaha	Elementary	1991	07/01/2010	06/30/2023
D0113	0414	Prairie Hills	Wetmore High	Nemaha	High School	1929	07/01/2010	06/30/2023
D0113	0419	Prairie Hills	Community-Based Preschool	Jackson	Special Ed Program - Community Based Preschool	2011	08/18/2011	
D0113	0420	Prairie Hills	Home	Jackson	Special Ed Program - Home	2011	08/18/2011	
D0113	0421	Prairie Hills	K Time Program W/O SPED - USD 113	Jackson	Early Childhood Program - General	2011	08/18/2011	
D0113	0428	Prairie Hills	Off Site Non Public Buildings	Jackson	Special Ed Program - Off Site Community Based	2011	08/18/2011	
D0113	0462	Prairie Hills	Axtell Elementary School	Marshall	Elementary	1930	07/01/2014	
D0114	0432	Riverside	Riverside Central Office	Doniphan	Central Office	2010	07/01/2010	
D0114	0433	Riverside	Riverside Intermediate	Doniphan	Elementary	2000	07/01/2010	
D0114	0434	Riverside	Riverside Middle School	Doniphan	Middle School	1966	07/01/2010	
D0114	0435	Riverside	Riverside Primary School	Doniphan	Elementary	1978	07/01/2010	
D0114	0436	Riverside	Riverside High School	Doniphan	High School	1930	07/01/2010	
D0114	0437	Riverside	Riverside Virtual High School	Doniphan	Other	1930	07/01/2011	
D0114	0438	Riverside	Home	Doniphan	Special Ed Program - Home	2011	07/01/2011	
D0114	0439	Riverside	K time program w/o SPED	Doniphan	Early Childhood Program - General	2011	07/01/2011	
D0114	0456	Riverside	Off-site non public	Doniphan	Special Ed Program - Off Site Community Based	2011	07/01/2011	

Org. No.	Bldg. No.	Organization Name	Building Name	County Name	Building Level	Year Built	Date Opened	Date Closed
D0114	0459	Riverside	Riverside Alternative School	Doniphan	Special Ed Program - Public School Administered	2008	07/01/2013	
D0114	0463	Riverside	Riverside Special Day School	Doniphan	Special School	1994	07/01/2016	
D0115	0278	Nemaha Central	Nemaha Central Central Office	Nemaha	Central Office	1984	07/01/2011	
D0115	0279	Nemaha Central	B & B Junior/Senior High School	Nemaha	High School	1960	08/18/2011	06/30/2014
D0115	0280	Nemaha Central	Nemaha Central Elementary and Middle School	Nemaha	Elementary	2009	08/18/2011	
D0115	0281	Nemaha Central	Nemaha Central High School	Nemaha	High School	1968	08/18/2011	
D0115	0282	Nemaha Central	St. Benedict Elementary	Nemaha	Elementary	1913	08/18/2011	05/25/2012
D0115	0283	Nemaha Central	USD 115 - Community-Based Preschool	Nemaha	Special Ed Program - Community Based Preschool	2010	08/18/2011	
D0115	0293	Nemaha Central	USD 115 - K Time Program W/O SpEd	Nemaha	Early Childhood Program - General	2010	08/18/2011	
D0115	0295	Nemaha Central	USD 115 - Off Site Non Public Buildings	Nemaha	Special Ed Program - Off Site Community Based	2010	08/18/2011	
D0115	0296	Nemaha Central	USD #115- Home	Nemaha	Special Ed Program - Home	2011	09/11/2012	
D0115	0297	Nemaha Central	Headstart	Nemaha	Early Childhood Program - Head Start	2013	08/07/2013	
D0200	0130	Greeley County Schools	Greeley Dist Greeley Co	Greeley	Central Office		08/01/1931	
D0200	0131	Greeley County Schools	USD 200 - Off Site Non Public Buildings	Greeley	Special Ed Program - Off Site Community Based	1956		
D0200	0132	Greeley County Schools	Greeley County Elem School	Greeley	Elementary	1956	08/01/1956	
D0200	0133	Greeley County Schools	USD 200 - Home	Greeley	Special Ed Program - Home	1956		
D0200	0134	Greeley County Schools	Greeley County Jr./Sr. High	Greeley	High School	1931	08/01/1931	
D0200	0136	Greeley County Schools	Greeley County Charter School	Greeley	Middle School		08/23/2004	08/01/2005
D0200	0137	Greeley County Schools	USD 200 - K Time Program W/O SPED	Greeley	Early Childhood Program - General	1956		
D0202	0148	Turner-Kansas City	Turner Dist Wyandotte Co	Wyandotte	Central Office	1931	08/01/1964	
D0202	0149	Turner-Kansas City	USD 202 - Off Site Non Public Buildings	Wyandotte	Special Ed Program - Off Site Community Based	2011		
D0202	0150	Turner-Kansas City	Highland Middle School	Wyandotte	Middle School	1964	08/01/1964	08/01/2001
D0202	0151	Turner-Kansas City	USD 202 - Public Off-Site Preschools	Wyandotte	Special Ed Program - Off Site Preschool	2011		06/30/2011
D0202	0152	Turner-Kansas City	Junction Elem	Wyandotte	Elementary	1929	08/01/1929	08/01/2001

KO EXHIBIT
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BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of the	)	
Petition to Transfer Territory	)	**File No. 24-PTT-01**
from USD 113 (Prairie Hills)	)	
to USD 115 (Nemaha Central)	)	

PETITIONER'S RESPONSE TO USD 113 (PRAIRIE HILLS) ANSWER

COMES NOW Petitioner USD 115 (Nemaha Central) in response to Respondent USD 113 (Prairie Hills) Answer ("Answer"), and in support of the Petition by Board of Education of Unified School District No. 115 for Transfer of Territory ("Petition"), submits the following updated data, statements, arguments, and authorities:

UPDATED DATA

USD 115 attaches **Exhibit A** as updated landowner preference information to supplement initial documents in petition. The results of the survey of 693 total landowners in the Petitioned Area are:

- 423 landowners (**61%**) prefer their land transfer to **USD 115 (Nemaha Central)**;
- 110 landowners (**16%**) prefer their land remain in **USD 113 (Prairie Hills)**;
- 108 landowners (**16%**) are **neutral** in their preference; and
- 52 landowners (**8%**) were **unable to be reached** despite efforts to do so.

USD 115 attaches **Exhibit B** as updated student enrollment data breaking out enrolled student information by section in the Petitioned Area.

USD 115 attaches **Exhibit C** as an updated time-distance analysis for students residing in the Petitioned Area.

GENERAL DENIAL

Any and all allegations contained in the Answer that are not specifically admitted herein are contested and therefore denied by Petitioner USD 115 until more facts are known or otherwise verified.

RESPONSES

1. In response to ¶¶ 9-11 of the Answer, maximizing the square mileage of districts is neither a statutory nor material factor in determining district make-up in Kansas or considering land transfers pursuant to K.S.A. 72-532. By way of example, USD 512 Shawnee Mission has approximately 76 square miles and 26,500 students (352.63 students per square mile), while USD 494 Syracuse has approximately 992 square miles and 540 students (0.54 students per square mile).

USD 115 states that the amount of USD 115 enrolled students living in USD 113 territory represents 12% of USD 115's enrollment (91 of 782 students). The amount of USD 115 enrolled students living in the Petitioned Area (smaller section of USD 113) represents 9% of USD 115's total enrollment (68 of 782 students).

Conversely, the amount of USD 113 enrolled students living in USD 115 territory represents 2% of USD 113's enrollment (21 of 925 students). The amount of USD 113 enrolled students living in the Petitioned Area (smaller section of USD 113) also represents 2% of USD 113's total enrollment (21 of 925 students). If the transfer is approved, 2% of students currently attending USD 113 will be living in USD 115 territory, while if the transfer is not approved, 12% of students attending USD 115 will continue to live in USD 113 territory.

2. In response to ¶¶ 17-19 of the Answer and regarding the legal arguments that the non-statutory factor of a "material change in circumstances" is a controlling consideration for the

State Board regarding land transfer, USD 115 incorporates its allegations and arguments in its Response to USD 115 Motion to Dismiss filed herein on March 7, 2024. The statutory factors simply do not require an undefined "recent" school closing as a precursor to land transfer.

Based on the totality of the circumstances in consideration of the statutory factors in K.S.A. 72-532, as well as the material changes in circumstances articulated in USD 115's Petition and Response to Motion to Dismiss, the inequities caused by the current geographical make-up of USD 113 and USD 115 justify transfer of the Petitioned Area. These material changes in circumstances buttress the fundamental analysis of the statutory factors and include:

1) Systemic annual out-of-district enrollment of 75% of students from the Petitioned Area in USD 115;

2) USD 115 operating at capacity to the point that a $24 million bond issue was passed effective January 2023 to expand capacity and further accommodation of students currently living within USD 113;

3) Previous school closures that have led to the continuing exodus of students from USD 113 to USD 115.

See Petitioner's Response to USD 113 (Prairie Hills) Motion to Dismiss ("Response to USD 113 Motion to Dismiss") at 5.

3. In response to ¶¶ 20 of the Answer, Kansas school districts need not be contiguous, but are largely drawn to reflect regional realities, including the location of resident families and students, as well as attendance centers. *See cf.* USD 113 Answer to Petition at Ex. 1. By way of example, there is at least one other Kansas school district (USD 505) that is separated by a significant land distance. USD 505 is comprised of two communities: Chetopa and Saint Paul. On July 1, 2005, Saint Paul School was approved by the KS Board of Education to transfer territory and real property from USD 101 (Neosha) to USD 505 (Chetopa - St. Paul). The district's campuses are 41 miles apart with no adjoining property. Relatedly, at the February 14,

2023 State Board meeting, Commissioner Randy Watson also verbally confirmed that districts with no adjoining property are allowable under Kansas law.

Moreover, USD 113 is nearly non-contiguous currently (connected by a thin strip a half-mile long at its narrowest point). The Petitioned Area reflects a USD 113 enrolled-student "desert," and the West and East portions of the district reflect USD 113 attendance centers in Axtel and Sabetha. USD 113 does not have any students between A Road and M Road in the territory proposed for transfer. Most students in the Petitioned area in the North-Central portion of USD 113's current district lines attend USD 115, given the proximity of the Nemaha Central attendance center in Seneca. The allegation that "the transfer of territory proposed by USD No. 115 would break the contiguity of USD No. 113-Prairie Hills, creating two areas of a single, consolidated school district that would be totally separated by another district" is a situation that already exists: the only benefit in USD 113 retaining the Petitioned Area is to increase its valuation from areas in which it serves no resident students in most of the area.

4. In response to ¶ 21 and ¶ ¶ 23-24 of the Answer, USD 115 does not "lack[] the capacity to accept the students in the territory to be transferred." As explained exhaustively in the Petition and the Response to USD 113 Motion to Dismiss, 75% students in the Petitioned Area are already enrolled in USD 115. Moreover, USD 115 electors approved a bond issue effective January 2023 to expand capacity of its attendance centers in response to the continued exodus of students from the Petitioned Area into USD 115. Those expanded facilities are scheduled to be completed in August 2024 at the time students return for the 2024-2025 school year and before the September 2024 enrollment deadlines. USD 115 has the capacity to accept additional students in the Petitioned Area (should they choose to enroll), including the 21 students (24%) in the Petitioned Area attending USD 113, should the transfer be approved effective July 1, 2024.

Moreover, only 21 of the 123 "out-of-district" students attending USD 113 live in or around the USD 115 territory (2% of USD 113's total enrollment)., while 91 of the 123 "out-of-district" students attending USD 115 are live directly within USD 113 territory (12% of USD 113's total enrollment). USD 113 is a wealthy district that has built its budget around the premise that it can make financial decisions that drive students out of its district (e.g. Bern, Wetmore closings) but retain the land valuation to finance its primary attendance center in the Sabetha region. This has created a situation where USD 113 has a bigger portion of the land "pie" at the expense of its neighboring districts who have welcomed the students exiting USD 113. This has caused neighboring districts to pick up the slack of USD 113's decisions and build budgets and pass bond issues to accommodate former USD 113 students while seeing continued transportation funding, capital outlay, and local option budget *ad valorem* taxes flow to USD 113.

5. In response to ¶ 22 of the Answer, USD 113's argument that the choice of students and families of where to attend school (i.e. "open enrollment") should not be a consideration in land transfer, directly contradicts the statutory factors in K.S.A. 72-532(d)(2), (5), (8), (9), (10), and (11). The location of enrolled students is perhaps the most important factor in determining where public tax dollars should be allocated to support the education of those students. Moreover, USD 113's argument implicitly concedes the prudence of a "wait-and-see" approach in land transfer petitions. Reactionary petitions based solely on a "one-off" exodus of students following a school closure or a natural disaster are arguably less prudent, and less compelling, than petitions like USD 115's that are based on generational change in enrollment patterns due to communities of interest, changing demographics, and long-term choices of neighboring school administrations.

6. In response to ¶¶ 29-34 of the Answer, USD 115's fiscal responsibility is an argument for transfer, not against transfer. USD 113's reliance on vast areas of land in which students attend a neighboring district to support its spending habits is not a compelling argument for denial of transfer. Moreover, the passage of a bond issue to support out-of-district students living in the Petitioned Area demonstrates that USD 115 wants the students, while USD 113's continued insistence on 1:1 valuation transfer in initial transfer discussions demonstrates that USD 113 wants the money.

7. In response to ¶ 35 of the Answer, travel distance for students in the Petitioned Area is a material factor that the State Board is statutorily required to consider pursuant to K.S.A. 72-532(d)(8). See also K.S.A. 72-532(d)(9) & (11). In support of the Board's consideration of K.S.A. 72-532(d)(8) and other statutory factors, USD 115 attaches Exhibit C (updated time-distance analysis for students residing in the Petitioned Area). Attendance centers in USD 115 are closer in distance for 63 plat map sections in the area proposed for transfer, while USD 113 is only equal distance or closer for 16 sections (i.e. USD 115 is closer for over ~80% of the area in question).

8. In response to ¶ 12-16 and 36-44 of the Answer regarding land valuation and equalization, the assessed land value does not have a significant impact on school district budgets. This transfer is not primarily about money, nor will the transfer result in an inequitable distribution of resources over the region, especially when student enrollment and landowner preference are taken into account.

According to KSDE Data Central, Budget At A Glance document for USD 113 for the 2023-2024 school year, USD 113's total expenditures are estimated to be $15,852,524.[1] USD

[1] https://www.ksde.org/Portals/0/School%20Finance/budget/Budget_at_a_Glance/23-24_Summary/BAG-113-2024.pdf

113's Answer indicates that the proposed transfer would, "divert $305,109 in SGF from USD 113 to USD No. 115." USD 113 Answer at 17, ¶ 42. This transfer of funds represents 1.92% of USD 113's overall budget. To suggest that this transfer of land creates financial hardship for USD 113 is disingenuous and fails to acknowledge the realities of how schools are actually funded in Kansas.

USD 115 and USD 113 have similarly sized budgets, so the funding associated with land valuation is relatively insignificant to both school's actual budgets, which only further demonstrates what the people of Bern and USD 115 district officials have been saying throughout this process: "this is not about money for us."

If the land transfer is completed as proposed, USD 113 will still have a higher land valuation than over 65% of the school districts in the state. There are 286 school districts in Kansas. If the transfers to USD 335, 380, and 115 are completed as proposed, USD 113 will still have a higher assessed valuation per pupil than 186 school districts in Kansas. USD 113's Assessed Valuation Per Pupil ("AVPP") levels will remain in the top 40th percentile of the state.

If the land transfer is completed as proposed, USD 113 will also have a land valuation that is 15% higher than a trimmed version of the state average. The average AVPP in districts across Kansas is $118,000/student. However, this average also includes AVPP's on both ends of the extreme, such as the Burlington school district (USD 244) which has an AVPP of $730,785/student, and 28 school districts that have an AVP of $200k/pupil or higher. If the state trims the school district with extreme AVPPs on both ends of the spectrum (e.g. trim top and bottom 10% from data set), the average AVPP/district normalizes to $106k/student and USD 113's "Post Transfer" AVPP would be 15% higher than the trimmed state average.

Further, if the state made a decision to equalize all of the land available for taxation across the state, USD 113's post-transfer AVPP levels would be 30% higher than the statewide equalization levels. According to the KSDE Assessed Valuation Report for the 2022-2023 school year, there is $44,577,425,899 worth of Assessed Land Valuation in the state of Kansas. According to the same report, there are 464,957 students enrolled. Therefore, if the state equally split the state's Assessed Valuation equally among all students ($44,577,425,899 divided by 464,957 students), each district would receive $95,874/student in AVPP. If the land transfer is completed as proposed, USD 113 will have an AVPP that is 30% higher than the statewide equalization level.

In sum, USD 113's post-transfer AVPP level falls in the center of the bell curve and will still be above average when compared to the rest of the districts in the state. If the land transfer is completed as proposed, both USD 113 and USD 115 will have AVPP levels within 1 standard distribution of the average AVPP. Although the transfer does create minor shifts to where USD 113's AVPP level currently sits, USD 113 will still have higher AVPP levels than 90% of its peers (schools with 875-975 students) and over 65% of the state. The proposed land transfer will change the current AVPP levels, but both USD 113 and both USD 115 will retain AVPP levels that are healthier than most.

9. In response to ¶ 45 of the Answer, USD 115 incorporates its statements and arguments in its Response to Motion to Dismiss. Moreover, the initial joint proposal of USD 115, USD 335, and USD 380 in July 2023 to transfer Section 1.3 (small southeastern-most section of land) to USD 115 was based on the fact that all of the students (5 total students) residing in Section 1.3 attend USD 115 currently. No students in this section attend USD 113,

USD 335, or USD 380. Families of all 5 students and 12 of 17 landowners in this section have explicitly expressed a preference for land in Section 1.3 to be transferred to USD 115.

Inexplicably, to date USD 113 has not offered that section of land to USD 115, but it did agree to transfer that land to USD 380 via mediated agreement. As stated in the Response to USD 113 Motion to Dismiss, USD 113, USD 335, and USD 380 have all agreed as part of a joint procedural strategy for USD 380 to accept this land. USD 115 has petitioned for this land (which USD 113 has already agreed to transfer generally) in the alternative should the mediated agreement between USD 380 and USD 113 not be approved by the State Board. Given the statutory prohibition on refiling a petition for transfer within two years of a previous petition, USD 115 determined in agreement with USD 335 and USD 380 to petition for this land in the alternative.

Respectfully submitted,

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ATTORNEYS FOR USD 115 (NEMAHA CENTRAL)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on March 15, 2024, I have filed and sent the foregoing Petitioner's Response to USD 113's Answer via email and for e-filing to:

Scott Gordon, General Counsel
Office of General Counsel, State Department of Education
sgordon@ksde.org
KANSAS STATE BOARD OF EDUCATION

and a copy served by email to:

David Cooper, Attorney
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/s/ Joshua A. Ney
Joshua A. Ney, #24077

Exhibit A

Landowner Survey Results Summary

Survey Results	Count	% of Total
USD 115	423	61%
USD 113	110	16%
Neutral	108	16%
Unable to Reach	52	8%
Grand Total	693	

Disposition Details	Count	% of Total
USD 115	423	61%
USD 113	110	16%
No Preference	61	9%
Unable to Reach	52	8%
Government/Public Property	27	4%
Refused to Participate	14	2%
USD 335	5	1%
USD 380	1	0%
Grand Total	693	

wpai_uid	QUICKREF	PartyName	Map Section ID	Site Address	Acres	Disposition
wpai-934-1031	R3175	ACKERMAN, GALEN R REV TST UTA	2.13.9	00000 184TH RD, Seneca, KS 66538	5.07	USD 113
wpai-33-130	R450	AG PARTNERS COOPERATIVE, INC	1.13.16	113 MATHEWS ST, Bern, KS 66408	0.38	No Preference
wpai-302-399	R602	AG PARTNERS COOPERATIVE, INC	1.13.21	00000 216TH RD, Bern, KS 66408	1.06	USD 115
wpai-296-393	R613	AHLQUIST, SHERYL D TST	1.13.22	1602 216TH RD, Bern, KS 66408	0.94	USD 115
wpai-454-551	R750	ALARON FARMS, LLC	1.12.12	2976 L4 RD, Bern, KS 66408	13.55	USD 115
wpai-456-553	R751	ALARON FARMS, LLC	1.12.12	2964 L4 RD, Bern, KS 66408	0.78	USD 115
wpai-556-653	R826	ALARON FARMS, LLC	1.12.15	00000 224TH RD, Seneca, KS 66538	0.99	USD 115
wpai-2196-2293	R304757	ALARON FARMS, LLC	1.13.19	2749 N RD, Bern, KS 66408	38.00	USD 115
wpai-520-617	R779	ALBERS, DONALD A & JUDITH R TOD	1.12.5	00000 I RD, Seneca, KS 66538	143.94	No Preference
wpai-480-577	R765	ALHOSSEINI, JILL E	1.12.4	00000 I RD, Seneca, KS 66538	146.78	USD 113
wpai-488-585	R759	ALHOSSEINI, JILL E	1.12.3	00000 232ND RD, Bern, KS 66408	79.07	USD 113
wpai-522-619	R780	ALLISON, CRAIG R	1.12.5	00000 H RD, Seneca, KS 66538	71.91	USD 115
wpai-524-621	R781	ALLISON, CRAIG R	1.12.5	00000 H RD, Seneca, KS 66538	70.11	USD 115
wpai-532-629	R783	ALLISON,RICHARD M & DIANE S LE;ALLISON,CRAIG R	1.12.5	857 232ND RD, Seneca, KS 66538	157.09	USD 115
wpai-534-631	R782	ALLISON,RICHARD M & DIANE S LE;ALLISON,CRAIG R	1.12.5	00000 232ND RD, Seneca, KS 66538	155.85	USD 115
wpai-538-635	R794	ALLISON,RICHARD M & DIANE S LE;ALLISON,JENNIFER S	1.12.8	00000 232ND RD, Seneca, KS 66538	154.87	USD 115
wpai-151-248	R592	ANDERSON, TYE & SARAH	1.13.16	220 WEST ST S, BERN, KS 66408	1.56	USD 115
wpai-105-202	R539	ANDREWS, CAROLYN	1.13.16	312 BAKER ST, Bern, KS 66408	0.30	USD 115
wpai-313-410	R397	AUL FARMS, L.C.	1.13.16	00000 224TH RD, Bern, KS 66408	67.61	USD 113
wpai-134-231	R579	BACKER, MERLIN D & LINDA L TOD	1.13.16	110 WEST ST, Bern, KS 66408	0.18	USD 115
wpai-148-245	R593	BACKER, MERLIN D & LINDA L TOD	1.13.16	00000 AUGUSTA ST S, BERN, KS 66408	2.26	USD 115
wpai-149-246	R590	BACKER, MERLIN D & LINDA L TOD	1.13.16	134 WEST ST, Bern, KS 66408	0.59	USD 115
wpai-2175-2272	R304701	BADERTSCHER, SCOTT & ELIZABETH	1.13.7	2950 M RD, Bern, KS 66408	142.90	USD 113
wpai-1064-1161	R5443	BARBEN,EDWARD E & MARY D 2013 LIV TST	3.13.13	00000 R RD, Seneca, KS 66538	158.39	USD 113
wpai-746-843	R1003	BAR-U INC	1.11.6	00000 B RD, Axtell, KS 66403	147.63	USD 115
wpai-142-239	R587	BAUMGARTNER, LAURA LEIGH	1.13.16	114 WEST ST S, BERN, KS 66408	0.29	USD 115
wpai-2246-2343	R305210	BEASHORE FAMILY REV TST	1.13.16	238 WEST ST S, BERN, KS 66408	1.02	USD 115
wpai-16-113	R440	BECKER, AUSTIN D	1.13.16	110 JILSON ST, Bern, KS 66408	0.35	Unable to Reach
wpai-983-1080	R3326	BELL, JAMES L TOD	2.13.14	00000 Q RD, Sabetha, KS 66534	96.69	Refused to Participate
wpai-138-235	R584	BELL, KYLE M; JONES, RACHEL C	1.13.16	702 MAIN ST, Bern, KS 66408	0.68	No Preference
wpai-143-240	R304880	BELL, KYLE M; JONES, RACHEL C	1.13.16	120 AUGUSTA ST S, BERN, KS 66408	0.78	No Preference
wpai-745-842	R1000	BERGMAN,DAREN L & LORI A	1.11.5	00000 B RD, Axtell, KS 66403	293.93	USD 115
wpai-49-146	R467	BERN COMMUNITY SUPPORT FOUNDATION	1.13.16	406 MAIN ST, Bern, KS 66408	0.14	Government/Public Property
wpai-66-163	R501	BERN MEAT PLANT INC	1.13.16	411 MAIN ST, Bern, KS 66408	0.25	USD 115
wpai-80-177	R547	BERN MEAT PLANT INC	1.13.16	00000 ESSIE ST, Bern, KS 66408	0.65	USD 115
wpai-91-188	R550	BERN MEAT PLANT INC	1.13.16	00000 MATHEWS ST, Bern, KS 66408	0.34	USD 115
wpai-26-123	R465	BERN, CITY OF	1.13.16	405 JILSON ST, Bern, KS 66408	0.29	Government/Public Property

wpai-45-142	R472	BERN, CITY OF	1.13.16	00000 MAIN ST, Bern, KS 66408	0.10	Government/Public Property
wpai-47-144	R470	BERN, CITY OF	1.13.16	412 MAIN ST, Bern, KS 66408	0.28	Government/Public Property
wpai-67-164	R502	BERN, CITY OF	1.13.16	407 MAIN ST, Bern, KS 66408	0.07	Government/Public Property
wpai-68-165	R503	BERN, CITY OF	1.13.16	405 MAIN ST, Bern, KS 66408	0.05	Government/Public Property
wpai-70-167	R505	BERN, CITY OF	1.13.16	00000 MAIN ST, Bern, KS 66408	0.10	Government/Public Property
wpai-71-168	R508	BERN, CITY OF	1.13.16	00000 MAIN ST, Bern, KS 66408	0.76	Government/Public Property
wpai-72-169	R512	BERN, CITY OF	1.13.16	MAIN ST, Bern, KS 66408	0.01	Government/Public Property
wpai-76-173	R506	BERN, CITY OF	1.13.16	00000 ESSIE ST, Bern, KS 66408	0.17	Government/Public Property
wpai-77-174	R510	BERN, CITY OF	1.13.16	00000 ESSIE ST, Bern, KS 66408	0.06	Government/Public Property
wpai-79-176	R494	BERN, CITY OF	1.13.16	00000 ESSIE ST, Bern, KS 66408	0.03	Government/Public Property
wpai-92-189	R552	BERN, CITY OF	1.13.16	00000 MATHEWS ST, Bern, KS 66408	5.05	Government/Public Property
wpai-97-194	R536	BERN, CITY OF	1.13.16	00000 W ESSIE ST, Bern, KS 66408	0.15	Government/Public Property
wpai-110-207	R559	BERN, CITY OF	1.13.16	00000 WEST ST, Bern, KS 66408	1.47	Government/Public Property
wpai-115-212	R554	BERN, CITY OF	1.13.16	00000 MATHEWS ST, Bern, KS 66408	2.73	Government/Public Property
wpai-315-412	R399	BERN, CITY OF	1.13.16	00000 O RD, Bern, KS 66408	11.73	Government/Public Property
wpai-337-434	R421	BERN, CITY OF	1.13.16	00000 WEST ST, Bern, KS 66408	2.42	Government/Public Property
wpai-150-247	R591	BERN-SABETHA VET CLINIC	1.13.16	212 WEST ST, Bern, KS 66408	4.89	USD 113
wpai-331-428	R406	BIERI, BENOLA E TST	1.13.16	00000 N HEROLD ST, Bern, KS 66408	0.16	Unable to Reach
wpai-332-429	R405	BIERI, BENOLA E TST	1.13.16	234 CHRISTOPHER ST, Bern, KS 66408	0.42	Unable to Reach
wpai-2181-2278	R304759	BINDER, J KENDALL & JOYCE; BINDER, CRIAG J & CRYSTAL R	1.11.1	00000 232ND RD, Seneca, KS 66538	80.05	USD 115
wpai-718-815	R962	BINDER, J. KENDALL LIV TST; BINDER, JOYCE M LIV TST	1.11.1	00000 232ND RD, Baileyville, KS 66404	158.99	USD 115
wpai-596-693	R851	BINDER, LESTER G	1.12.22	00000 STATE HWY 63, Seneca, KS 66538	68.14	USD 115
wpai-710-807	R958	BINDER, LESTER G	1.11.1	00000 G RD, Baileyville, KS 66404	145.75	USD 115
wpai-716-813	R960	BLOCK, JAMES C	1.11.1	00000 232ND RD, Seneca, KS 66538	82.00	No Preference
wpai-144-241	R595	BLOCKER, DARRIN J	1.13.16	119 AUGUSTA ST S, BERN, KS 66408	0.41	Unable to Reach
wpai-482-579	R766	BOCK FAMILY TST	1.12.4	00000 I RD, Seneca, KS 66538	23.63	Unable to Reach
wpai-723-820	R968	BOE,SAMANTHA HERCULES;BOE,BRIAN L	1.11.2	539 232ND RD, Baileyville, KS 66404	3.28	No Preference
wpai-9-106	R433	BOEHMER, ERIC	1.13.16	304 JILSON ST, Bern, KS 66408	0.22	USD 115
wpai-179-276	R338	BOEHMER,LYLE ALAN & LOIS	1.13.5	00000 240TH RD, Bern, KS 66408	78.85	USD 115
wpai-183-280	R339	BOEHMER,LYLE ALAN & LOIS	1.13.5	3066 N RD, Bern, KS 66408	154.90	USD 115
wpai-185-282	R343	BOEHMER,LYLE ALAN & LOIS	1.13.6	3095 N RD, Bern, KS 66408	229.11	USD 115
wpai-112-209	R562	BOLDRA, SAMANTHA	1.13.16	305 BAKER ST, Bern, KS 66408	1.04	USD 113
wpai-2231-2328	R305040	BOSWORTH, MATTHEW & SYDNEY	1.13.31	00000 M RD, Bern, KS 66408	115.59	USD 113
wpai-744-841	R998	BOWHAY, STEVEN J & MARY ELLEN	1.11.10	2925 E RD, Baileyville, KS 66404	345.69	USD 115
wpai-2258-2355	R305274	BOWHAY, STEVEN J & MARY ELLEN	1.11.15	00000 E RD, Baileyville, KS 66404	4.96	USD 115
wpai-2270-2367	R305311	BOWHAY, STEVEN J & MARY ELLEN	1.11.15	00000 E RD, Baileyville, KS 66404	0.91	USD 115
wpai-2271-2368	R1036	BOWHAY, STEVEN J & MARY ELLEN	1.11.15	00000 E RD, Baileyville, KS 66404	1.70	USD 115
wpai-782-879	R305310	BOWHAY, STEVEN J & MARY ELLEN; PANFIL, JOSEPH W & LAURIE J	1.11.15	00000 E RD, Baileyville, KS 66404	156.93	USD 115

wpai-2269-2366	R305314	BOWHAY, STEVEN J & MARY ELLEN; PANFIL, JOSEPH W & LAURIE J	1.11.10	2925 E RD, Baileyville, KS 66404	2.77	USD 115
wpai-2272-2369	R305312	BOWHAY, STEVEN J & MARY ELLEN; PANFIL, JOSEPH W & LAURIE J	1.11.10	2925 E RD, Baileyville, KS 66404	5.25	USD 115
wpai-2273-2370	R305313	BOWHAY, STEVEN J & MARY ELLEN; PANFIL, JOSEPH W & LAURIE J	1.11.10	2925 E RD, Baileyville, KS 66404	2.73	USD 115
wpai-145-242	R588	BRADLEY, GARY S & KAREN A	1.13.16	122 WEST ST S, BERN, KS 66408	0.32	USD 115
wpai-568-665	R837	BREDEMEIER, BRIAN W	1.12.16	910 224TH RD, Seneca, KS 66538	0.33	USD 113
wpai-564-661	R838	BREDEMEIER, RONALD & CAROL	1.12.16	00000 224TH RD, Seneca, KS 66538	117.94	USD 115
wpai-31-128	R448	BRESSLER, ANDREW	1.13.16	217 JILSON ST, Bern, KS 66408	0.59	No Preference
wpai-154-251	R315	BUCHER FAMILY PARTNERSHIP	1.13.4	00000 240TH RD, Bern, KS 66408	181.07	No Preference
wpai-171-268	R333	BUCHER FAMILY PARTNERSHIP	1.13.10	00000 P RD, Bern, KS 66408	140.30	No Preference
wpai-152-249	R310	BUCHER, RALPH R TST	1.13.3	1630 240TH RD, Bern, KS 66408	235.62	No Preference
wpai-173-270	R332	BUCHER, UVONNA E REV TST	1.13.10	2958 P RD, Bern, KS 66408	3.59	No Preference
wpai-231-328	R364	CEMETERY, BERN COMMUNITY BERN WASHINGTON CEMETERY	1.13.17	00000 O RD, Bern, KS 66408	4.30	Government/Public Property
wpai-906-1003	R1500	CEMETERY, BLOSS	2.12.1	00000 192ND RD, Seneca, KS 66538	0.16	Government/Public Property
wpai-729-826	R972	CEMETERY, MCCAFFREY	1.11.11	00000 240TH RD, Baileyville, KS 66404	0.24	Government/Public Property
wpai-357-454	R686	CEMETERY, PLESANT RIDGE	1.13.33	00000 O RD, Bern, KS 66408	2.37	Government/Public Property
wpai-586-683	R835	CEMETERY, SCOTCH VALLEY	1.12.15	00000 J RD, Seneca, KS 66538	2.01	Government/Public Property
wpai-458-555	R752	CEMETERY, ST JOHN'S LUTHERA	1.12.12	00000 L4 RD, Bern, KS 66408	1.96	Government/Public Property
wpai-327-424	R413	CEPURAN, PHILLIP D	1.13.16	309 WEST ST, Bern, KS 66408	0.66	USD 113
wpai-59-156	R488	CHURCH,BERN UNITED METHODIST	1.13.16	00000 WEST ST, Bern, KS 66408	0.50	USD 115
wpai-60-157	R489	CHURCH,BERN UNITED METHODIST	1.13.16	527 MAIN ST, Bern, KS 66408	0.56	USD 115
wpai-73-170	R497	CHURCH,BERN UNITED METHODIST	1.13.16	116 SPRING ST, Bern, KS 66408	0.52	USD 115
wpai-600-697	R847	CHURCH,FIRST METHODIST EPISCOPAL	1.12.22	00000 J RD, Seneca, KS 66538	0.49	Unable to Reach
wpai-55-152	R449	CJ FOODS INC	1.13.16	224 MAIN ST, Bern, KS 66408	0.90	Unable to Reach
wpai-56-153	R302414	CJ FOODS INC	1.13.16	MAIN ST, Bern, KS 66408	0.35	Unable to Reach
wpai-926-1023	R3169	CREED,RONALD & LINDA TST	2.13.4	2489 O RD, Bern, KS 66408	35.62	USD 115
wpai-279-376	R390	CREED,RONALD & LINDA TST	1.13.20	00000 208TH RD, Bern, KS 66408	158.73	USD 115
wpai-412-509	R723	CREED,RONALD & LINDA TST	1.13.32	00000 O RD, Bern, KS 66408	12.04	USD 115
wpai-941-1038	R3186	CREED,RONALD & LINDA TST	2.13.5	2467 O RD, Bern, KS 66408	197.09	USD 115
wpai-951-1048	R3189	CREED,RONALD & LINDA TST	2.13.5	00000 O RD, Seneca, KS 66538	65.05	USD 115
wpai-1101-1198	R5485	DAHL,KEVIN J & JEAN L	3.13.27	1695 104TH RD, Seneca, KS 66538	3.65	Unable to Reach
wpai-285-382	R373	DASI, LLC	1.13.19	00000 208TH RD, Bern, KS 66408	72.77	USD 115
wpai-102-199	R542	DASSEL-STUKE, DONNA J	1.13.16	311 S MATHEWS ST, Bern, KS 66408	0.30	Unable to Reach
wpai-410-507	R721	DAVIDSON,DANA L & JEAN M	1.13.32	00000 N RD, Bern, KS 66408	4.04	Unable to Reach
wpai-292-389	R394	DAWDY, JULIA S; KREHBIEL, TIMOTHY & YVONNE	1.13.15	216TH RD, Bern, KS 66408	111.46	No Preference
wpai-23-120	R462	DEKONING, DIRK L	1.13.16	421 JILSON ST, Bern, KS 66408	0.27	USD 113
wpai-719-816	R969	DETERS, DENNIS L & NATALIE J	1.11.2	00000 232ND RD, Seneca, KS 66538	156.94	USD 115
wpai-536-633	R787	DETERS, MARK E & DOROTHY M	1.12.6	232ND RD, Bern, KS 66408	133.07	USD 115
wpai-989-1086	R3401	DETERS, THOMAS D	2.13.24	00000 S RD, SABETHA, KS 66534	153.40	USD 115

wpai-136-233	R580	DETTMAN, CLIFFORD WAYNE	1.13.16	612 MAIN ST, Bern, KS 66408	0.36	USD 113
wpai-187-284	R344	DETTMER, ALMA L REV LIV TST	1.13.6	00000 232ND RD, Bern, KS 66408	150.82	USD 115
wpai-414-511	R724	DETTMER, ALMA L REV LIV TST	1.12.1	00000 L4 RD, Bern, KS 66408	154.43	USD 115
wpai-175-272	R326	DORSH, JOYCE; STRATHMAN LIV TST; KUENZI, ASA; KUENZI, EMILY; KUENZI,	1.13.9	00000 O RD, Bern, KS 66408	73.12	USD 115
wpai-297-394	R598	DREW, BENJAMIN & REBECCA	1.13.21	1596 216TH RD, Bern, KS 66408	8.86	USD 113
wpai-502-599	R764	DROGE, ROBERT & CAROLYN LE; DROGE,RONALD D & JULIE A	1.12.3	00000 STATE HWY 63, Bern, KS 66408	63.91	USD 115
wpai-83-180	R543	DT PROPERTY MANAGEMENT	1.13.16	533 RAILROAD ST, Bern, KS 66408	5.65	USD 115
wpai-99-196	R558	DT PROPERTY MANAGEMENT	1.13.16	00000 WEST ST, Bern, KS 66408	12.69	USD 115
wpai-356-453	R691	EDELMAN,EARL E & DONNA L TOD	1.13.33	00000 P RD, Bern, KS 66408	77.51	USD 113
wpai-361-458	R690	EDELMAN,MICHAEL & YALANA L	1.13.33	00000 P RD, Bern, KS 66408	120.28	USD 113
wpai-384-481	R708	EHRSAM, LARRY E & EVELYN J TOD	1.13.30	00000 200TH RD, Bern, KS 66408	149.22	USD 115
wpai-156-253	R314	EHRSAM, MARILYN J REV TST; HENDERSON, JACQUELINE E INTER VIVOS TST	1.13.3	00000 232ND RD, Bern, KS 66408	79.14	No Preference
wpai-164-261	R331	EHRSAM, MARILYN J REV TST; HENDERSON, JACQUELINE E INTER VIVOS TST	1.13.10	00000 228th RD, BERN, KS 66408	77.28	No Preference
wpai-133-230	R581	ELMS, MARTIN & ERYNNE N	1.13.16	628 MAIN ST, Bern, KS 66408	0.66	Refused to Participate
wpai-303-400	R603	ENNEKING, CHAD D & BRENNA R	1.13.21	2789 O RD, Bern, KS 66408	1.61	USD 115
wpai-225-322	R359	ENNEKING,DOUGLAS J & LOIS	1.13.17	2872 N RD, Bern, KS 66408	158.72	USD 115
wpai-235-332	R360	ENNEKING,DOUGLAS J & LOIS	1.13.17	2808 N RD, Bern, KS 66408	157.04	USD 115
wpai-243-340	R370	ENNEKING,DOUGLAS J & LOIS	1.13.18	00000 216TH RD, Bern, KS 66408	35.76	USD 115
wpai-308-405	R605	ESSLINGER, WAYMER G REV TST	1.13.21	00000 O RD, Bern, KS 66408	38.609610000000004	No Preference
wpai-349-446	R681	ESSLINGER, WAYMER G REV TST	1.13.28	1567 200TH RD, Bern, KS 66408	79.62	No Preference
wpai-353-450	R683	ESSLINGER, WAYMER G REV TST	1.13.33	00000 200TH RD, Bern, KS 66408	76.18	No Preference
wpai-927-1024	R3172	ESSLINGER, WAYMER G REV TST	2.13.4	00000 P RD, Seneca, KS 66538	82.23	No Preference
wpai-366-463	R699	EUBANKS,DONALD & MARIE TST	1.13.29	1406 208TH RD, Bern, KS 66408	156.87	USD 115
wpai-975-1072	R303628	EVANS, ANDREW R	2.13.16	2288 O RD, Oneida, KS 66522	26.41	USD 115
wpai-2200-2297	R304817	EVANS, ANDREW R & MELISSA J	2.13.16	O RD, Oneida, KS 66522	36.76	USD 115
wpai-662-759	R892	FANGMAN, EUGENE F REV LIV TST	1.12.26	00000 208TH RD, Bern, KS 66408	72.37	USD 115
wpai-666-763	R893	FANGMAN, EUGENE F REV LIV TST	1.12.26	00000 200TH RD, Bern, KS 66408	75.78	USD 115
wpai-957-1054	R3195	FANGMAN, GREGORY R & JUDY D REV LIV TST	2.13.6	00000 184TH RD, Seneca, KS 66538	151.65	USD 115
wpai-908-1005	R1503	FANGMAN, STEPHEN REV LIV TST	2.12.1	2411 M RD, Seneca, KS 66538	87.81	USD 115
wpai-668-765	R895	FANGMAN,GARY E & DEE ANN L	1.12.26	00000 STATE HWY 63, Bern, KS 66408	76.10	USD 115
wpai-122-219	R557	FANKHAUSER,JAY & JAN	1.13.16	00000 WEST ST, Bern, KS 66408	0.84	USD 115
wpai-125-222	R555	FANKHAUSER,JAY & JAN	1.13.16	00000 216TH RD, Bern, KS 66408	1.57	USD 115
wpai-124-221	R556	FANKHAUSER,LOUIS & JANICE	1.13.16	235 WEST ST S, BERN, KS 66408	1.58	USD 115
wpai-506-603	R773	FARWELL, MARK E & SANDRA K TST	1.12.10	00000 232ND RD, Seneca, KS 66538	235.52	USD 115
wpai-512-609	R778	FARWELL, MARK E & SANDRA K TST	1.12.10	2929 STATE HWY 63, Seneca, KS 66538	144.97	USD 115
wpai-474-571	R755	FARWELL, MARK E & SANDRA K TST; ALHOSSEINI, JILL E; MACKE, BRENDA M	1.12.3	00000 STATE HWY 63, Bern, KS 66408	64.08	USD 115
wpai-526-623	R784	FARWELL, REX & DEBORAH REV LIV TST	1.12.6	00000 H RD, Seneca, KS 66538	148.73	USD 115
wpai-542-639	R788	FARWELL, REX & DEBORAH REV LIV TST	1.12.7	2991 H RD, Bern, KS 66408	76.87	USD 115

wpai-450-547	R740	FARWELL, TERRY L & NANETTE G TST	1.12.11	2980 STATE HWY 63, Seneca, KS 66538	76.79	USD 115
wpai-648-745	R305303	FARWELL, TERRY L & NANETTE G TST	1.12.23	00000 STATE HWY 63, Seneca, KS 66538	110.67	USD 115
wpai-2266-2363	R305304	FARWELL, TERRY L & NANETTE G TST	1.12.22	00000 STATE HWY 63, Seneca, KS 66538	2.23	USD 115
wpai-580-677	R840	FARWELL,MARK E & SANDRA K	1.12.16	00000 J RD, Seneca, KS 66538	197.62	USD 115
wpai-582-679	R841	FARWELL,MARK E & SANDRA K	1.12.16	00000 216TH RD, Seneca, KS 66538	118.83	USD 115
wpai-594-691	R844	FARWELL,REX A & DEBORAH L	1.12.22	00000 STATE HWY 63, Seneca, KS 66538	5.22	USD 115
wpai-2268-2365	R875	FARWELL,REX A & DEBORAH L	1.12.23	00000 STATE HWY 63, Seneca, KS 66538	46.80	USD 115
wpai-690-787	R899	FELDKAMP, LEON E	1.12.35	00000 200TH RD, Bern, KS 66408	78.46	USD 115
wpai-694-791	R902	FELDKAMP, LEON E	1.12.35	2565 K4 RD, Seneca, KS 66538	78.54	USD 115
wpai-137-234	R574	FELDKAMP, STEVE D	1.13.16	102 AUGUSTA ST, Bern, KS 66408	0.29	USD 115
wpai-51-148	R460	FIP MASTER FUNDING VIII, LLC	1.13.16	332 MAIN ST, Bern, KS 66408	0.20	Unable to Reach
wpai-54-151	R456	FIP MASTER FUNDING VIII, LLC	1.13.16	302 MAIN ST, Bern, KS 66408	0.55	Unable to Reach
wpai-57-154	R445	FIP MASTER FUNDING VIII, LLC	1.13.16	00000 MAIN ST, Bern, KS 66408	0.76	Unable to Reach
wpai-85-182	R513	FIP MASTER FUNDING VIII, LLC	1.13.16	505 ESSIE ST, Bern, KS 66408	7.27	Unable to Reach
wpai-86-183	R525	FIP MASTER FUNDING VIII, LLC	1.13.16	121 W MAIN ST, Bern, KS 66408	7.50	Unable to Reach
wpai-321-418	R402	FIP MASTER FUNDING VIII, LLC	1.13.16	00000 HEROLD ST, Bern, KS 66408	0.99	Unable to Reach
wpai-241-338	R365	FIP MASTER FUNDING VIII, LLC	1.13.17	00000 O RD, Bern, KS 66408	2.44	Unable to Reach
wpai-728-825	R970	FISHER,CLARENE TOD, LE;GLENN,MARIE;LEATHERMAN,SUSAN;OESTMANN,	1.11.11	232ND RD, Baileyville, KS 66404	270.12	No Preference
wpai-628-725	R871	FRIEDENS UNITED CHURCH OF CHRIST	1.12.14	00000 STATE HWY 71, Bern, KS 66408	73.61	USD 115
wpai-29-126	R453	GARBER,JAROD R & CHRISTINE	1.13.16	118 N HEROLD ST, Bern, KS 66408	0.29	Unable to Reach
wpai-1073-1170	R5458	GEORG FAMILY FARMS, LLC	3.13.25	00000 R RD, Seneca, KS 66538	157.59	USD 113
wpai-496-593	R761	GERMAN EVANGELICAL FRIEDENS ASSOC	1.12.3	3045 STATE HWY 63, Bern, KS 66408	1.0757683199999999	USD 115
wpai-500-597	R762	GERMAN EVANGELICAL FRIEDENS ASSOC	1.12.3	00000 STATE HWY 63, Bern, KS 66408	1.10	USD 115
wpai-498-595	R763	GERMAN EVANGELICAL FRIEDENS CEMETERY ASSOC	1.12.3	00000 STATE HWY 63, Bern, KS 66408	2.64	Government/Public Property
wpai-980-1077	R3322	GLACE FAMILY FARM, LLC	2.13.13	00000 176TH RD, Seneca, KS 66538	37.97	USD 113
wpai-981-1078	R3324	GLACE FAMILY FARM, LLC	2.13.14	00000 176TH RD, Seneca, KS 66538	196.27	USD 113
wpai-2217-2314	R304916	GREENWOOD, JOSEPH A & LACEY J	2.13.23	1742 168TH RD, Sabetha, KS 66534	4.04	USD 115
wpai-650-747	R883	GRIFFITH, JAMES L & ALICIA I TOD	1.12.24	1203 212TH RD, Bern, KS 66408	84.98	USD 115
wpai-2207-2304	R304851	GRIFFITH, ROBERT G & MARLENE A TOD	1.12.22	1082 216TH RD, Seneca, KS 66538	2.29	USD 115
wpai-578-675	R833	GRIFFITH, ROBERT G & MARLENE A TOD; GRIFFITH, JAMES L & ALICIA I TOD	1.12.15	00000 216TH RD, Seneca, KS 66538	145.51	USD 115
wpai-622-719	R868	GRIFFITH, ROBERT G & MARLENE A TOD; GRIFFITH, JAMES L & ALICIA I TOD	1.12.14	00000 STATE HWY 63, Seneca, KS 66538	38.20	USD 115
wpai-624-721	R869	GRIFFITH, ROBERT G & MARLENE A TOD; GRIFFITH, JAMES L & ALICIA I TOD	1.12.14	00000 STATE HWY 63, Bern, KS 66408	39.46	USD 115
wpai-656-753	R878	GRIFFITH, ROBERT G & MARLENE A TOD; GRIFFITH, JAMES L & ALICIA I TOD	1.12.23	00000 STATE HWY 63, Seneca, KS 66538	13.65	USD 115
wpai-2205-2302	R882	GRIFFITH, ROBERT G & MARLENE A TOD; GRIFFITH, JAMES L & ALICIA I TOD	1.12.24	1214 212TH RD, Bern, KS 66408	156.64	USD 115
wpai-2257-2354	R845	GRIFFITH, ROBERT G & MARLENE A TOD; GRIFFITH, JAMES L & ALICIA I TOD	1.12.22	216TH RD, Seneca, KS 66538	155.75	USD 115
wpai-725-822	R977	GROLLMES,DARREL & PAULETTE	1.11.12	00000 G RD, Baileyville, KS 66404	155.75	USD 115
wpai-1083-1180	R5479	GROLLMES,LAWRENCE J REV TST; GROLLMES,PATRICIA A REV TST	3.13.36	00000 96TH RD, Seneca, KS 66538	156.33	Unable to Reach
wpai-1088-1185	R5475	GROLLMES,LAWRENCE J REV TST; GROLLMES,PATRICIA A REV TST	3.13.36	1319 S RD, GOFF, KS 66428	156.00	Unable to Reach

wpai-1093-1190	R5477	GROLLMES,LAWRENCE J REV TST; GROLLMES,PATRICIA A REV TST	3.13.36	00000 96TH RD, Seneca, KS 66538		78.43	Unable to Reach
wpai-342-439	R678	GROSE FAMILY TST	1.13.28	1536 208TH RD, Bern, KS 66408		1.29	USD 115
wpai-116-213	R569	GROSE, JOYCE M	1.13.16	405 S MATHEWS ST, Bern, KS 66408		1.79	USD 115
wpai-959-1056	R3192	GROSE, JOYCE M	2.13.5	00000 184TH RD, Seneca, KS 66538		77.88	USD 115
wpai-215-312	R354	GROSE, JOYCE M TOD; GROSE, JOYCE	1.13.8	00000 N RD, Bern, KS 66408		79.63	USD 115
wpai-2475-2572	NA	GROSE, LAVERN & RITA D; GROSE FAMILY TST	1.13.28	O RD, Bern, KS 66408	NA		USD 115
wpai-343-440	R677	GROSE, LAVERN & RITA D; GROSE, LESLIE & ,MARY C E; GROSE, JOYCE M	1.13.28	2665 O RD, Bern, KS 66408		123.37	USD 115
wpai-961-1058	R3203	GROSE, LESLIE & MARY C E	2.13.8	00000 184TH RD, Seneca, KS 66538		118.55	USD 115
wpai-103-200	R541	GUGELMAN,MERLE & K'LYNNE	1.13.16	324 BAKER ST, Bern, KS 66408		0.29	USD 113
wpai-153-250	R311	GUGELMAN,MERLE & K'LYNNE	1.13.3	3022 P RD, Bern, KS 66408		150.07	No Preference
wpai-157-254	R312	GUGELMAN,MERLE & K'LYNNE	1.13.3	00000 232ND RD, Bern, KS 66408		154.75	No Preference
wpai-158-255	R319	GUGELMAN,MERLE & K'LYNNE	1.13.4	00000 P RD, Bern, KS 66408		20.16	No Preference
wpai-290-387	R393	GUGELMAN,MERLE & K'LYNNE	1.13.15	00000 P RD, Bern, KS 66408		75.64	No Preference
wpai-334-431	R422	GUGELMAN,MERLE & K'LYNNE	1.13.16	00000 216TH RD, Bern, KS 66408		77.19	No Preference
wpai-311-408	R301968	GUTKNECHT, DALE E & MARY L REV LIV TST UTA	1.13.22	1647 208TH RD, Bern, KS 66408		2.87	Refused to Participate
wpai-448-545	R739	H & A KOESTER FAMILY, LLC	1.12.11	00000 232ND RD, Bern, KS 66408		190.50	USD 115
wpai-1066-1163	R5453	HAILEY, KEITH C TST	3.13.24	00000 120TH RD, Seneca, KS 66538		156.39	USD 113
wpai-1080-1177	R5467	HAILEY, KEITH C TST	3.13.26	00000 104TH RD, Seneca, KS 66538		115.22	USD 113
wpai-1081-1178	R5466	HAILEY, KEITH C TST	3.13.26	00000 Q RD, Seneca, KS 66538		117.81	USD 113
wpai-915-1012	R3160	HAMMES,GALEN & DOROTHY TST	2.13.12	00000 184TH RD, Sabetha, KS 66534		156.15	USD 115
wpai-160-257	R318	HARTER FAMILY FARM, LLC	1.13.4	1569 232ND RD, Bern, KS 66408		132.69	USD 335
wpai-162-259	R320	HARTER FAMILY FARM, LLC	1.13.4	00000 232ND RD, Bern, KS 66408		1.63	USD 335
wpai-394-491	R712	HARTER, JOHN E & MARILYN J REV TST	1.13.31	1366 200TH RD, Bern, KS 66408		2.84	USD 115
wpai-504-601	R772	HARTMAN, JERALD E & TAMMY J	1.12.10	00000 STATE HWY 63, Seneca, KS 66538		152.64	Unable to Reach
wpai-233-330	R362	HARTTER, STEPHEN J & LOIS E TOD	1.13.17	00000 216TH RD, Bern, KS 66408		143.96	USD 113
wpai-301-398	R604	HARTTER,NEIL L & EVELYN E	1.13.21	1522 STATE HWY 71, Bern, KS 66408		72.38	USD 113
wpai-247-344	R380	HARTTER,NEIL L & EVELYN E	1.13.20	00000 216TH RD, Bern, KS 66408		73.15	USD 113
wpai-249-346	R381	HARTTER,NEIL L & EVELYN E	1.13.20	00000 216TH RD, Bern, KS 66408		4.14	USD 113
wpai-90-187	R524	HARVEY,DONALD E & DONNA	1.13.16	211 MATHEWS ST, Bern, KS 66408		0.37	USD 113
wpai-735-832	R988	HAUG, CAROL S	1.11.4	00000 240TH RD, Baileyville, KS 66404		148.65	Unable to Reach
wpai-3-100	R426	HAUG, JANE ANN	1.13.16	518 JILSON ST, Bern, KS 66408		0.51	USD 115
wpai-979-1076	R3320	HAUG, JOHN T & LINDA R TOD; HAUG, MARTIN J & STACI R	2.13.13	00000 176TH RD, Seneca, KS 66538		196.07	USD 115
wpai-364-461	R698	HAUG, JOHN T & LINDA R TOD; HAUG, MARTIN J & STACI R	1.13.29	00000 208TH RD, Bern, KS 66408		158.76	USD 115
wpai-700-797	R915	HAUG, JOHN T & LINDA R; HAUG, BRADLEY J & LINDSEY M; HAUG SEED, LLC	1.12.27	2633 STATE HWY 63, Seneca, KS 66538		196.64	USD 115
wpai-706-803	R914	HAUG, JOHN T & LINDA R; HAUG, BRADLEY J & LINDSEY M; HAUG SEED, LLC	1.12.27	00000 STATE HWY 63, Seneca, KS 66538		36.49	USD 115
wpai-928-1025	R302105	HAUG, JOHN T & LINDA TOD	2.13.4	00000 192ND RD, Sabetha, KS 66534		239.16	USD 115
wpai-708-805	R932	HAUG, JOHN T & LINDA TOD	1.12.34	2579 STATE HWY 63, Seneca, KS 66538		154.96	USD 115
wpai-949-1046	R303627	HAUG, JOHN T & LINDA TOD	2.13.5	00000 O RD, Seneca, KS 66538		50.29	USD 115

wpai-572-669	R839	HAUG,JASON E;HAUG,BRADLEY K & LINDSEY M;HAUG,NATHAN M	1.12.16	00000 I RD, Seneca, KS 66538	80.49	USD 115
wpai-1100-1197	R5492	HAVERKAMP, BRIAN & KRISTINA M REV LIV TST	3.13.28	00000 104TH RD, Seneca, KS 66538	160.52	USD 115
wpai-428-525	R726	HAVERKAMP, LEON W TST	1.12.1	3073 L4 RD, Bern, KS 66408	3.50	USD 115
wpai-2213-2310	R304867	HAVERKAMP, MARY A TST	1.12.22	1077 208th RD, SENECA, KS 66538	5.44	USD 115
wpai-269-366	R371	HAVERKAMP, MARYA A TST; HAVERKAMP, NEAL A TST	1.13.19	1360 STATE HWY 71, Bern, KS 66408	156.30	USD 115
wpai-434-531	R731	HAVERKAMP, ROBERT L	1.12.2	00000 240TH RD, Bern, KS 66408	4.97	USD 115
wpai-442-539	R728	HAVERKAMP, RONDA S TST	1.12.1	3021 L4 RD, Bern, KS 66408	1.01	USD 115
wpai-170-267	R324	HAVERKAMP, THE M & F FAMILY TST	1.13.9	00000 232ND RD, Bern, KS 66408	65.01	USD 115
wpai-197-294	R345	HAVERKAMP, THE M & F FAMILY TST	1.13.6	1361 232ND RD, Bern, KS 66408	133.67	USD 115
wpai-199-296	R347	HAVERKAMP, THE M & F FAMILY TST	1.13.6	1381 232ND RD, Bern, KS 66408	16.13	USD 115
wpai-203-300	R352	HAVERKAMP, THE M & F FAMILY TST	1.13.8	00000 232ND RD, Bern, KS 66408	198.49	USD 115
wpai-211-308	R356	HAVERKAMP, THE M & F FAMILY TST	1.13.8	00000 224TH RD, Bern, KS 66408	106.32	USD 115
wpai-267-364	R375	HAVERKAMP, THE M & F FAMILY TST	1.13.19	2749 N RD, Bern, KS 66408	38.59	USD 115
wpai-283-380	R372	HAVERKAMP, THE M & F FAMILY TST	1.13.19	00000 N RD, Bern, KS 66408	162.89	USD 115
wpai-990-1087	R3330	HAVERKAMP,LILLIS L TST; HAVERKAMP,ARLENE H TST	2.13.23	8750 MADISON ST, Oneida, KS 66522	474.30	USD 115
wpai-558-655	R827	HAVERKAMP,MARK & FRANCINE	1.12.15	00000 224TH RD, Seneca, KS 66538	140.13	USD 115
wpai-929-1026	R3165	HAVERKAMP,THOMAS A & MARY BETH TOD	2.13.3	00000 184TH RD, Sabetha, KS 66534	154.89	USD 115
wpai-516-613	R774	HECHT, ROBERT D & CONSTANCE E REV LIV TST	1.12.10	1031 224TH RD, Seneca, KS 66538	0.50	USD 115
wpai-518-615	R775	HECHT, ROBERT D & CONSTANCE E REV LIV TST	1.12.10	1029 224TH RD, Seneca, KS 66538	0.45	USD 115
wpai-514-611	R776	HECHT, SILVIA TST; HECHT, WILLIAM G & BETTY J	1.12.10	00000 224TH RD, Seneca, KS 66538	77.24	USD 115
wpai-560-657	R830	HECHT, SILVIA TST; HECHT, WILLIAM G & BETTY J	1.12.15	00000 224TH RD, Seneca, KS 66538	154.35	USD 115
wpai-562-659	R831	HECHT, WILLIAM G & BETTY J	1.12.15	1032 224TH RD, Seneca, KS 66538	1.81	USD 115
wpai-955-1052	R3196	HEIMAN, DOROTHY TST	2.13.6	00000 184TH RD, Seneca, KS 66538	155.77	USD 115
wpai-935-1032	R3183	HEINEN, BRADLEY P	2.13.10	00000 Q RD, Seneca, KS 66538	158.03	USD 115
wpai-1102-1199	R5497	HEINEN, CRAIG A	3.13.34	00000 Q RD, Seneca, KS 66538	193.89	USD 115
wpai-1104-1201	R5501	HEINEN, IRENE E REV LIV TST	3.13.34	00000 96TH RD, Seneca, KS 66538	79.67	USD 115
wpai-986-1083	R3321	HEINEN, TERRY	2.13.13	2220 R RD, Oneida, KS 66522	76.09	USD 115
wpai-1084-1181	R5480	HEINEN,WAYNE & LINDA	3.13.36	00000 R RD, Seneca, KS 66538	155.34	USD 115
wpai-95-192	R535	HEINIGER,MARK D & MAVIS J REV LIV TST	1.13.16	315 ESSIE ST, Bern, KS 66408	0.37	USD 115
wpai-96-193	R537	HEINIGER,MARK D & MAVIS J REV LIV TST	1.13.16	305 ESSIE ST, Bern, KS 66408	0.15	USD 115
wpai-141-238	R596	HEINIGER,MARK D & MAVIS J REV LIV TST	1.13.16	00000 AUGUSTA ST, Bern, KS 66408	0.17974300000000001	USD 115
wpai-147-244	R589	HEINIGER,MARK D & MAVIS J REV LIV TST	1.13.16	128 WEST ST S, BERN, KS 66408	0.23	USD 115
wpai-64-161	R498	HELENA AGRI-ENTERPRISES, LLC	1.13.16	433 MAIN ST, Bern, KS 66408	0.44	USD 115
wpai-74-171	R495	HELENA AGRI-ENTERPRISES, LLC	1.13.16	00000 ESSIE ST, Bern, KS 66408	0.21	USD 115
wpai-82-179	R544	HELENA AGRI-ENTERPRISES, LLC	1.13.16	505 ESSIE ST, Bern, KS 66408	2.62	USD 115
wpai-2199-2296	R304812	HELENA AGRI-ENTERPRISES, LLC	1.13.17	00000 O RD, Bern, KS 66408	1.09	USD 115
wpai-1367-1464	R7129	HENRY, CRAIG AND PAMELA FAMILY TST	4.13.15	00000 P RD, Goff, KS 66428	38.36	USD 335
wpai-486-583	R769	HERR FAMILY LLC	1.12.4	00000 232ND RD, Seneca, KS 66538	160.78	Unable to Reach

wpai-590-687	R842	HERR FAMILY LLC	1.12.21	00000 J RD, Seneca, KS 66538	314.02	Unable to Reach
wpai-592-689	R843	HERR FAMILY LLC	1.12.21	00000 I RD, Seneca, KS 66538	316.75	Unable to Reach
wpai-713-810	R963	HESS, LYLE & CHARLOTTE JUNE; DROGE, DIANE K FAMILY TST	1.11.2	00000 240TH RD, Baileyville, KS 66404	9.68	USD 115
wpai-528-625	R785	HESS, LYLE & CHARLOTTE JUNE; DROGE, DIANE K FAMILY TST	1.12.6	00000 H RD, Seneca, KS 66538	69.14	USD 115
wpai-530-627	R786	HESS, LYLE & CHARLOTTE JUNE; DROGE, DIANE K FAMILY TST	1.12.6	00000 G RD, Seneca, KS 66538	116.91	USD 115
wpai-712-809	R959	HESS, LYLE & CHARLOTTE JUNE; DROGE, DIANE K FAMILY TST	1.11.1	00000 240TH RD, Baileyville, KS 66404	57.23	USD 115
wpai-985-1082	R3328	HFI LLC	2.13.14	00000 Q RD, Sabetha, KS 66534	96.51	USD 115
wpai-606-703	R852	HIGHTOWER, JANICE M TST	1.12.13	00000 L4 RD, Bern, KS 66408	158.40	USD 115
wpai-98-195	R530	HILDEBRAND,KENNETH & KARLA	1.13.16	231 ESSIE ST, Bern, KS 66408	0.59	USD 113
wpai-107-204	R532	HILDEBRAND,KENNETH & KARLA	1.13.16	00000 BAKER ST, Bern, KS 66408	0.44	USD 113
wpai-670-767	R894	HOLTHAUS, ROGER T & JOLENE M REV TST	1.12.26	00000 STATE HWY 63, Bern, KS 66408	79.19	USD 115
wpai-28-125	R452	HOLTHAUS,STEVEN E & CONNIE S;HOLTHAUS,DERICK S	1.13.16	311 JILSON ST, Bern, KS 66408	0.30	Unable to Reach
wpai-41-138	R482	HUERTER, CAROLYN	1.13.16	512 MAIN ST, Bern, KS 66408	0.21	USD 115
wpai-127-224	R576	HUERTER,MAX D & CAROLYN A	1.13.16	204 WEST ST, Bern, KS 66408	0.51	USD 115
wpai-317-414	R415	HUERTER,MAX D & CAROLYN A	1.13.16	614 CHRISTOPHER ST, Bern, KS 66408	0.88	USD 115
wpai-46-143	R471	HUERTER,MAX D;ANDREWS,CAROLYN A	1.13.16	422 MAIN ST, Bern, KS 66408	0.07	USD 115
wpai-566-663	R836	HUGHES, CAROL S TST	1.12.16	00000 J RD, Seneca, KS 66538	118.09	USD 115
wpai-604-701	R848	HUGHES, CAROL S TST	1.12.22	2726 J RD, Seneca, KS 66538	156.53	USD 115
wpai-626-723	R859	HULS, SHEILA	1.12.13	2819 L4 RD, Bern, KS 66408	5.46	USD 115
wpai-21-118	R479	HUNDLEY, FREDERICK A	1.13.16	507 JILSON ST, Bern, KS 66408	0.43	USD 113
wpai-8-105	R432	HUNINGHAKE, LORI; STRATHMAN, GERRY	1.13.16	314 JILSON ST, Bern, KS 66408	0.54	No Preference
wpai-155-252	R316	INGWERSON,HAROLD TOD;INGWERSON,BETTY TOD	1.13.4	1540 240TH RD, Bern, KS 66408	126.53	USD 115
wpai-181-278	R337	INGWERSON,HAROLD TOD;INGWERSON,BETTY TOD	1.13.5	00000 O RD, Bern, KS 66408	77.69	USD 115
wpai-322-419	R403	JAUKEN, MICHAEL LYNN; HOUK, TAMRA ANN	1.13.16	00000 N HEROLD ST, Bern, KS 66408	0.44	USD 115
wpai-314-411	R398	JAUKEN, MICHAEL LYNN; HOUK, TAMRA ANN TOD	1.13.16	00000 O RD, Bern, KS 66408	59.87	USD 115
wpai-734-831	R987	JOHNSON, JEFFREY L & KATHLEEN J	1.11.4	00000 D RD, Baileyville, KS 66404	151.62	No Preference
wpai-217-314	R351	JOHNSON, NEVA J	1.13.7	00000 N RD, Bern, KS 66408	156.48	Unable to Reach
wpai-165-262	R321	JOHNSTON, DONNA JEAN TST	1.13.9	00000 232ND RD, Bern, KS 66408	235.91	Unable to Reach
wpai-166-263	R335	JOHNSTON, DONNA JEAN TST	1.13.10	00000 P RD, Bern, KS 66408	6.03	Unable to Reach
wpai-1103-1200	R5498	JONES, BRET E	3.13.34	00000 104TH RD, Seneca, KS 66538	39.06	USD 115
wpai-81-178	R549	K&N CAR WASH, LLC	1.13.16	204 S MATHEWS ST, Bern, KS 66408	0.29	USD 115
wpai-472-569	R741	KASTER, CHARLES E; SEXTRO, KENT R	1.12.11	1131 224TH RD, Bern, KS 66408	7.67	USD 115
wpai-2211-2308	R304850	KASTER, CHARLES E; SEXTRO, KENT R	1.12.11	00000 STATE HWY 63, Bern, KS 66408	38.57	USD 115
wpai-291-388	R395	KASTER, ERWIN E	1.13.15	1663 216TH RD, Bern, KS 66408	193.89	USD 115
wpai-39-136	R484	KASTER, JACOB DANIEL	1.13.16	522 MAIN ST, Bern, KS 66408	0.23	USD 115
wpai-19-116	R475	KASTER,ELDON R & LANA J	1.13.16	119 SPRING ST, Bern, KS 66408	0.43	USD 115
wpai-65-162	R499	KASTER,ELDON R & LANA J	1.13.16	423 MAIN ST, Bern, KS 66408	0.28	USD 115
wpai-329-426	R408	KASTER,ELDON R & LANA J	1.13.16	00000 CHRISTOPHER ST, Bern, KS 66408	0.27	USD 115

wpai-298-395	R599	KASTER,ROGER S & ROWENA R	1.13.21	1574 216TH RD, Bern, KS 66408	223.28	USD 115
wpai-721-818	R961	KEEGAN, SHEA T	1.11.1	669 232ND RD, Seneca, KS 66538	38.75	USD 115
wpai-546-643	R790	KEEGAN, TREVOR	1.12.7	G RD, Seneca, KS 66538	128.99	Unable to Reach
wpai-722-819	R967	KEEGAN,DIANE K NO 1 TST	1.11.2	00000 232ND RD, Baileyville, KS 66404	73.17	No Preference
wpai-730-827	R973	KEEGAN,DIANE K NO 1 TST	1.11.11	00000 E RD, Baileyville, KS 66404	116.16	No Preference
wpai-741-838	R996	KEEGAN,DIANE K NO 1 TST	1.11.10	00000 E RD, Baileyville, KS 66404	76.91	No Preference
wpai-727-824	R978	KEEGAN,JAMES F & BARBARA J	1.11.12	00000 232ND RD, Baileyville, KS 66404	155.26	No Preference
wpai-540-637	R795	KEEGAN,PATRICK G & ALICIA M	1.12.8	00000 232ND RD, Seneca, KS 66538	154.68	USD 115
wpai-988-1085	R3327	KELLY HILLS HOLDINGS, LLC	2.13.14	168TH RD, Oneida, KS 66522	111.41	USD 115
wpai-914-1011	R3159	KIDWELL, RICHARD D	2.13.12	2369 S RD, SABETHA, KS 66534	156.99	USD 113
wpai-2184-2281	R304756	KNAPP, CURTIS F & CATHERINE L	1.12.9	2962 I RD, Seneca, KS 66538	8.47	USD 115
wpai-139-236	R585	KOEHNE, RICHARD A & MARGARET A	1.13.16	629 MAIN ST, Bern, KS 66408	0.53	USD 115
wpai-1092-1189	R5472	KOHAKE, GARY J REV TST; KOHAKE, ANTHONY W TST	3.13.35	00000 Q RD, Seneca, KS 66538	58.31	No Preference
wpai-630-727	R855	KOLLIN, WILLIAM SCOTT REV TST	1.12.13	00000 L RD, Bern, KS 66408	60.40	Unable to Reach
wpai-632-729	R858	KOLLIN, WILLIAM SCOTT REV TST	1.12.13	00000 STATE HWY 71, Bern, KS 66408	4.84	Unable to Reach
wpai-636-733	R873	KOLLIN, WILLIAM SCOTT REV TST	1.12.14	00000 STATE HWY 71, Bern, KS 66408	25.95	Unable to Reach
wpai-646-743	R874	KOLLIN, WILLIAM SCOTT REV TST	1.12.23	00000 L RD, Bern, KS 66408	45.34	Unable to Reach
wpai-464-561	R746	KORBER, DANIEL A	1.12.11	00000 224TH RD, Bern, KS 66408	63.61	USD 115
wpai-608-705	R853	KORBER, DANIEL A; MARTENEY, LORI B	1.12.13	00000 L4 RD, Bern, KS 66408	76.59	USD 115
wpai-227-324	R367	KORBER, DAVID TST	1.13.18	00000 M RD, Bern, KS 66408	151.11	USD 115
wpai-610-707	R854	KORBER, DAVID TST	1.12.13	00000 L RD, Bern, KS 66408	76.73	USD 115
wpai-612-709	R866	KORBER, DAVID TST	1.12.14	2856 STATE HWY 63, Bern, KS 66408	75.97	USD 115
wpai-618-715	R857	KORBER, DAVID TST	1.12.13	00000 STATE HWY 71, Bern, KS 66408	60.49	USD 115
wpai-634-731	R864	KORBER, DAVID TST	1.12.14	2847 L RD, Bern, KS 66408	358.04	USD 115
wpai-614-711	R867	KORBER, DEAN A & MARSHA A TST	1.12.14	2854 STATE HWY 63, Seneca, KS 66538	3.59	USD 115
wpai-638-735	R863	KORBER, DEAN A & MARSHA A TST	1.12.13	00000 STATE HWY 71, Bern, KS 66408	11.27	USD 115
wpai-640-737	R881	KORBER, DEAN A & MARSHA A TST	1.12.24	00000 STATE HWY 71, Bern, KS 66408	69.22	USD 115
wpai-644-741	R879	KORBER, DEAN A & MARSHA A TST	1.12.24	STATE HWY 71, Bern, KS 66408	74.52	USD 115
wpai-2229-2326	R305096	KORBER, DEAN A & MARSHA A TST	1.13.17	00000 O RD, Bern, KS 66408	37.05	USD 115
wpai-2233-2330	R305116	KORBER, DEAN A & MARSHA A TST	1.12.24	1270 STATE HWY 71, Bern, KS 66408	4.52	USD 115
wpai-460-557	R754	KORBER, JEFFREY A	1.12.12	2916 L4 RD, Bern, KS 66408	158.08	USD 115
wpai-223-320	R358	KORBER, JOHN	1.13.17	00000 O RD, Bern, KS 66408	38.39	USD 115
wpai-620-717	R856	KORBER, JOHN A	1.12.13	2844 L RD, Bern, KS 66408	4.95	USD 115
wpai-462-559	R753	KORBER, JUDY K LE; KORBER, DANIEL A	1.12.12	2913 L4 RD, Bern, KS 66408	154.50	USD 115
wpai-275-372	R378	KORBER, JUDY K TST	1.13.19	00000 M RD, Bern, KS 66408	128.47	USD 115
wpai-642-739	R880	KORBER,JOHN A & SUSAN L	1.12.24	00000 STATE HWY 71, Bern, KS 66408	76.22	USD 115
wpai-1352-1449	R7023	KORTE,ROBERT F & BARBARA J LIVING TST-FAMILY TST	4.13.9	00000 80TH RD, Goff, KS 66428	159.16	USD 115
wpai-174-271	R336	KRAINBILL FARMS INC	1.13.10	00000 P RD, Bern, KS 66408	308.67	USD 113

wpai-289-386	R392	KRAINBILL FARMS INC	1.13.15	00000 P RD, Bern, KS 66408	40.32	USD 113
wpai-299-396	R600	KRAINBILL FARMS INC	1.13.21	00000 216TH RD, Bern, KS 66408	116.44	USD 113
wpai-335-432	R418	KRAINBILL FARMS INC	1.13.16	1571 216TH RD, Bern, KS 66408	50.58	USD 113
wpai-207-304	R349	KRAINBILL FARMS INC	1.13.7	00000 232ND RD, Bern, KS 66408	154.37	USD 115
wpai-163-260	R330	KRAINBILL, MILTON J & LILA TOD	1.13.10	00000 232ND RD, Bern, KS 66408	76.46	USD 115
wpai-312-409	R396	KRAINBILL, MILTON J & LILA TOD	1.13.16	CHRISTOPHER ST, Bern, KS 66408	147.73	USD 115
wpai-323-420	R417	KRAINBILL, MILTON J & LILA TOD	1.13.16	00000 CHRISTOPHER ST, Bern, KS 66408	1.19	USD 115
wpai-288-385	R391	KRAINBILL,VICTOR L & RONDA	1.13.15	00000 Q RD, Bern, KS 66408	194.70	USD 113
wpai-1353-1450	R7029	KRAMER, ALAN F REV TST UTA	4.13.10	T35 1619 80TH RD, Goff, KS 66428	156.82	USD 115
wpai-1357-1454	R7125	KRAMER, ALAN F REV TST UTA	4.13.15	00000 80TH RD, Goff, KS 66428	39.61	USD 115
wpai-1358-1455	R7126	KRAMER, ALAN F REV TST UTA	4.13.15	00000 80TH RD, Goff, KS 66428	38.73	USD 115
wpai-1359-1456	R7133	KRAMER, ALAN F REV TST UTA	4.13.16	1087 P RD, Goff, KS 66428	159.07	USD 115
wpai-938-1035	R3176	KRAMER, CODY J	2.13.9	00000 O RD, Seneca, KS 66538	80.88	USD 115
wpai-984-1081	R3323	KRAMER,KEITH L & ELAINE M	2.13.13	00000 S RD, BERN, KS 66408	148.55	USD 115
wpai-1361-1458	R7132	KRAMER,RYAN M & TIFFANY D	4.13.15	1041 Q RD, Goff, KS 66428	78.18	USD 115
wpai-100-197	R529	KREHBIEL, YVONNE A	1.13.16	00000 W ESSIE ST, Bern, KS 66408	0.68	Refused to Participate
wpai-108-205	R531	KREHBIEL, YVONNE A	1.13.16	00000 BAKER ST, Bern, KS 66408	0.70	Refused to Participate
wpai-113-210	R563	KREHBIEL, YVONNE A	1.13.16	00000 BAKER ST, Bern, KS 66408	1.45	Refused to Participate
wpai-114-211	R564	KREHBIEL, YVONNE A	1.13.16	00000 BAKER ST, Bern, KS 66408	1.39	Refused to Participate
wpai-117-214	R566	KREHBIEL, YVONNE A	1.13.16	00000 216TH RD, Bern, KS 66408	23.47	Refused to Participate
wpai-176-273	R328	KREHBIEL, YVONNE A	1.13.9	2912 O4 RD, Bern, KS 66408	67.04	Refused to Participate
wpai-126-223	R575	KREHBIEL,TIMOTHY & YVONNE	1.13.16	135 AUGUSTA ST, Bern, KS 66408	0.33	Refused to Participate
wpai-2243-2340	R329	KREHBIEL,TIMOTHY & YVONNE	1.13.9	00000 O4 RD, Bern, KS 66408	5.18	Refused to Participate
wpai-714-811	R964	KRIKAVA, ERNEST C; KRIKAVA, KEVIN E	1.11.2	3074 E4 RD, Baileyville, KS 66404	131.29	USD 115
wpai-548-645	R800	KROEGER, KATHRYN ANN	1.12.8	00000 I RD, Seneca, KS 66538	103.42	USD 115
wpai-5-102	R428	KROEMER, CONSTANCE TOD	1.13.16	432 JILSON ST, Bern, KS 66408	0.30	USD 115
wpai-22-119	R461	KROEMER, CONSTANCE TOD	1.13.16	119 DAY ST, Bern, KS 66408	0.43	USD 115
wpai-325-422	R411	KROEMER, CONSTANCE TOD	1.13.16	00000 O4 RD, Bern, KS 66408	0.51	USD 115
wpai-544-641	R789	KROEMER, CONSTANCE TOD	1.12.7	00000 232ND RD, Seneca, KS 66538	78.45	USD 115
wpai-2194-2291	R304758	KROEMER, CONSTANCE TOD	1.12.6	761 232ND RD, Bern, KS 66408	78.54	USD 115
wpai-251-348	R382	KUENZI, ALBERT J & ARDENA L REV LIV TST	1.13.20	1488 STATE HWY 71, Bern, KS 66408	1.75	USD 115
wpai-213-310	R357	KUENZI-DORSCH, JOYCE E TST	1.13.8	2921 O RD, Bern, KS 66408	77.39	USD 115
wpai-287-384	R379	LAMBRECHT PROPERTIES, LLC	1.13.19	1375 208TH RD, Bern, KS 66408	1.21	USD 115
wpai-965-1062	R302103	LAMBRECHT, THAD & JUNE	2.13.8	1420 184TH RD, Bern, KS 66408	7.65	USD 115
wpai-494-591	R768	LAZY D RANCH INC	1.12.4	3022 I RD, Seneca, KS 66538	129.04	USD 115
wpai-27-124	R302217	LEJEUNE, BROOKE	1.13.16	317 JILSON ST, Bern, KS 66408	0.44	USD 115
wpai-201-298	R346	LEON HAVERKAMP FARMS, LLC	1.13.6	00000 232ND RD, Bern, KS 66408	7.84	USD 115
wpai-444-541	R747	LEON HAVERKAMP FARMS, LLC	1.12.12	00000 232ND RD, Bern, KS 66408	137.77	USD 115

wpai-598-695	R849	LEON HAVERKAMP FARMS, LLC	1.12.22	00000 208TH RD, Bern, KS 66408	55.50	USD 115
wpai-698-795	R913	LEON HAVERKAMP FARMS, LLC	1.12.27	00000 J RD, Seneca, KS 66538	154.63	USD 115
wpai-2249-2346	R305212	LEUTHOLD, JACOB E	1.13.27	1667 200TH RD, Bern, KS 66408	4.82	USD 113
wpai-172-269	R325	LEUTHOLD, JERRY D & PAMELA S TOD	1.13.9	2968 O RD, Bern, KS 66408	11.01	USD 113
wpai-338-435	R670	LEUTHOLD, JERRY D & PAMELA S TOD	1.13.27	208TH RD, Bern, KS 66408	63.17	USD 113
wpai-2284-2381	R305429	LEUTHOLD, JERRY D & PAMELA S TOD	1.13.27	Q RD, Bern, KS 66408	47.63	USD 113
wpai-344-441	R672	LEUTHOLD, MORRIS E	1.13.27	00000 Q RD, Bern, KS 66408	39.09	USD 113
wpai-347-444	R673	LEUTHOLD, MORRIS E	1.13.27	200TH RD, Bern, KS 66408	152.21	USD 113
wpai-2278-2375	R305380	LEUTHOLD,MORRIS TST;LEUTHOLD,MARY KAYE TST	1.13.27	2671 Q RD, Bern, KS 66408	2.40	USD 113
wpai-2202-2299	R701	LOCK, THOMAS D	1.13.29	1413 200TH RD, Bern, KS 66408	2.64	No Preference
wpai-318-415	R416	LOCKHART, JOSHUA	1.13.16	320 WEST ST, Bern, KS 66408	0.51	USD 115
wpai-63-160	R492	LOCKHART, MICHAEL E & KIMBERLY M REV LIV TST	1.13.16	509 MAIN ST, Bern, KS 66408	0.43	USD 115
wpai-75-172	R493	LOCKHART, MICHAEL E & KIMBERLY M REV LIV TST	1.13.16	00000 ESSIE ST, Bern, KS 66408	0.06	USD 115
wpai-78-175	R496	LOCKHART, MICHAEL E & KIMBERLY M REV LIV TST	1.13.16	00000 ESSIE ST, Bern, KS 66408	0.01	USD 115
wpai-169-266	R323	LOCKHART, MICHAEL E & KIMBERLY M REV LIV TST	1.13.9	2945 O4 RD, Bern, KS 66408	118.70	USD 115
wpai-704-801	R917	LOCKHART, PHILIP R	1.12.27	2642 J RD, Seneca, KS 66538	39.45	USD 115
wpai-101-198	R527	LORTSCHER AGRI SERVICE INC	1.13.16	00000 W ESSIE ST, Bern, KS 66408	1.77	USD 113
wpai-109-206	R528	LORTSCHER AGRI SERVICE INC	1.13.16	00000 BAKER ST, Bern, KS 66408	1.44	USD 113
wpai-2159-2256	R304351	LORTSCHER AGRI SERVICE INC	1.13.16	00000 BAKER ST, Bern, KS 66408	0.32	USD 113
wpai-652-749	R884	LORTSCHER GRAIN, LLC	1.12.24	00000 L4 RD, Bern, KS 66408	154.51	USD 113
wpai-7-104	R430	LORTSCHER REAL ESTATE, LLC	1.13.16	00000 JILSON ST, Bern, KS 66408	1.90	USD 113
wpai-316-413	R410	LORTSCHER REAL ESTATE, LLC	1.13.16	00000 O4 RD, Bern, KS 66408	7.87	USD 113
wpai-319-416	R400	LORTSCHER REAL ESTATE, LLC	1.13.16	00000 O RD, Bern, KS 66408	0.07	USD 113
wpai-328-425	R409	LORTSCHER REAL ESTATE, LLC	1.13.16	00000 CHRISTOPHER ST, Bern, KS 66408	0.64	USD 113
wpai-130-227	R571	LORTSCHER, BETTY J TST	1.13.16	128 AUGUSTA ST, Bern, KS 66408	0.87	USD 113
wpai-43-140	R474	LORTSCHER, BRENT DAVID	1.13.16	434 MAIN ST, Bern, KS 66408	0.14	USD 113
wpai-239-336	R368	LORTSCHER, BRENT DAVID	1.13.18	00000 216TH RD, Bern, KS 66408	146.68	USD 115
wpai-159-256	R317	LORTSCHER, GARY LIV TST UTA	1.13.4	00000 232ND RD, Bern, KS 66408	156.81	USD 113
wpai-189-286	R342	LORTSCHER, GARY LIV TST UTA	1.13.5	00000 232ND RD, Bern, KS 66408	78.50	USD 113
wpai-304-401	R611	LORTSCHER,BRENT & LINDA	1.13.22	2771 Q RD, Bern, KS 66408	3.78	No Preference
wpai-1360-1457	R7127	LOVE, WILLIAM J & SOURK, SARA	4.13.15	1060 P RD, Goff, KS 66428	78.76	USD 115
wpai-510-607	R777	LOVEALL, JENNA M & CODY D	1.12.10	2947 STATE HWY 63, Seneca, KS 66538	9.86	USD 115
wpai-277-374	R387	LUCKEROTH, ANTHONY & SAMANTHA	1.13.20	2754 N RD, Bern, KS 66408	9.65	USD 115
wpai-1071-1168	R5455	LUEGER, GALEN H & CAROL A TOD	3.13.24	00000 112TH RD, Seneca, KS 66538	77.22	USD 115
wpai-1068-1165	R5454	LUEGER,KEVIN M & ANGELA M	3.13.24	1548 R RD, Seneca, KS 66538	77.81	USD 115
wpai-420-517	R732	MACKE, BRENDA M TEGTMEIER & ROGERT P TOD	1.12.2	00000 240TH RD, Bern, KS 66408	88.03	USD 115
wpai-490-587	R758	MACKE, BRENDA M TEGTMEIER & ROGERT P TOD	1.12.3	00000 232ND RD, Bern, KS 66408	159.03	USD 115
wpai-2262-2359	R305307	MACKE,ROGER J & KAREN R	1.11.12	00000 G RD, Baileyville, KS 66404	16.46	USD 115

wpai-733-830	R984	MADDOCKS, GAIL L; MADDOCKS, ROY L & NITA J REV LIV TST	1.11.3	432 240TH RD, PAWNEE CITY, NE 68420	144.10	USD 115
wpai-738-835	R986	MADDOCKS, ROY L & NITA J REV LIV TST	1.11.3	493 232ND RD, Baileyville, KS 66404	156.04	USD 115
wpai-295-392	R612	MARTI, LINDA KAY TOD	1.13.22	1640 216TH RD, Bern, KS 66408	156.12	USD 115
wpai-14-111	R438	MARTINEZ, SERGIO SR & GUADALUPE	1.13.16	124 JILSON ST, Bern, KS 66408	0.46	USD 113
wpai-748-845	R1004	MATHEWSON, ROBERT S & LISA L	1.11.6	00000 B RD, Axtell, KS 66403	34.22	USD 113
wpai-970-1067	R3236	MCFALL, MARIVN & CONNIE FAMILY TST	2.13.15	1663 172ND RD, Oneida, KS 66522	306.82	USD 115
wpai-976-1073	R3239	MCFALL, MARIVN & CONNIE FAMILY TST	2.13.15	00000 172ND RD, Oneida, KS 66522	76.83	USD 115
wpai-977-1074	R3240	MCFALL, MARIVN & CONNIE FAMILY TST	2.13.15	00000 168TH RD, Oneida, KS 66522	154.61	USD 115
wpai-987-1084	R3329	MCFALL, MARIVN & CONNIE FAMILY TST	2.13.14	00000 Q RD, Sabetha, KS 66534	23.66	USD 115
wpai-438-535	R736	MEIER, LAVERNE R LE; MEIER, MAX E LE; RICE, ANGELA; EGAN, STEFANIE;M	1.12.2	3024 STATE HWY 63, Bern, KS 66408	81.51	USD 115
wpai-440-537	R737	MEIER, LAVERNE R LE; MEIER, MAX E LE; RICE, ANGELA; EGAN, STEFANIE;M	1.12.2	00000 STATE HWY 63, Bern, KS 66408	144.79	USD 115
wpai-921-1018	R3157	METZGER, DOUGLAS K & BETTY A REV TST	2.13.11	00000 176TH RD, Sabetha, KS 66534	153.72	No Preference
wpai-937-1034	R3177	METZGER, DOUGLAS K & BETTY A REV TST	2.13.9	00000 176TH RD, Seneca, KS 66538	197.22	No Preference
wpai-972-1069	R3238	METZGER, DOUGLAS K & BETTY A REV TST	2.13.15	00000 176TH RD, Seneca, KS 66538	38.02	No Preference
wpai-973-1070	R3243	METZGER, DOUGLAS K & BETTY A REV TST	2.13.16	00000 176TH RD, Seneca, KS 66538	79.45	No Preference
wpai-106-203	R538	MEYER, CARLA	1.13.16	304 BAKER ST, Bern, KS 66408	0.30	USD 115
wpai-922-1019	R3163	MEYER, CLARK D & EILEEN C TOD	2.13.3	1650 192ND RD, Sabetha, KS 66534	148.20	USD 115
wpai-362-459	R688	MEYER, JOSHUA	1.13.33	1531 192ND RD, Bern, KS 66408	4.00	USD 115
wpai-345-442	R674	MEYER, KEITH R FAMILY TST	1.13.27	1623 200TH RD, Bern, KS 66408	168.43	USD 115
wpai-348-445	R682	MEYER, KEITH R FAMILY TST	1.13.28	00000 200TH RD, Bern, KS 66408	78.80	USD 115
wpai-360-457	R687	MEYER, KEITH R FAMILY TST	1.13.33	00000 192ND RD, Bern, KS 66408	183.95	USD 115
wpai-923-1020	R3164	MEYER, KEITH R FAMILY TST	2.13.3	00000 192ND RD, Sabetha, KS 66534	306.60	USD 115
wpai-355-452	R685	MEYER, ROBERT	1.13.33	00000 200TH RD, Bern, KS 66408	74.43	USD 113
wpai-350-447	R679	MEYER, TRAVIS J & MOLLIE E; MEYER, ROBERT	1.13.28	1505 200TH RD, Bern, KS 66408	79.26	USD 113
wpai-376-473	R704	MEYER, TRAVIS J & MOLLIE E; MEYER, ROBERT	1.13.29	00000 200TH RD, Bern, KS 66408	40.83	USD 113
wpai-2244-2341	R305103	MEYER,CALEB L & ELLI M	1.13.9	2914 O4 RD, Bern, KS 66408	5.27	USD 113
wpai-920-1017	R3158	MEYER,CLARK & EILEEN; MEYER,DENNIS C & KELLIE S	2.13.11	00000 176TH RD, Sabetha, KS 66534	157.77	USD 115
wpai-936-1033	R3185	MEYER,CLARK & EILEEN; MEYER,DENNIS C & KELLIE S	2.13.10	00000 176TH RD, Seneca, KS 66538	158.42	USD 115
wpai-971-1068	R3237	MEYER,CLARK & EILEEN; MEYER,DENNIS C & KELLIE S	2.13.15	00000 176TH RD, Seneca, KS 66538	38.87	USD 115
wpai-982-1079	R3325	MEYER,CLARK & EILEEN; MEYER,DENNIS C & KELLIE S	2.13.14	00000 Q RD, Sabetha, KS 66534	96.11	USD 115
wpai-916-1013	R3155	MEYER,DENNIS C & KELLIE S	2.13.11	00000 184TH RD, Sabetha, KS 66534	155.15	USD 115
wpai-924-1021	R3166	MEYER,DUANE L & HOLLY A	2.13.4	00000 192ND RD, Sabetha, KS 66534	73.00	USD 113
wpai-253-350	R383	MEYER,DUANE L & HOLLY A	1.13.20	00000 STATE HWY 71, Bern, KS 66408	76.76	USD 113
wpai-255-352	R384	MEYER,DUANE L & HOLLY A	1.13.20	1468 STATE HWY 71, Bern, KS 66408	2.41	USD 113
wpai-177-274	R327	MEYER,EARL E & DARLENE B	1.13.9	1535 224TH RD, Bern, KS 66408	38.58	Refused to Participate
wpai-346-443	R680	MEYER,JAMES J & KRISTIN K	1.13.28	1537 200TH RD, Bern, KS 66408	97.26	USD 113
wpai-354-451	R684	MEYER,JAMES J & KRISTIN K	1.13.33	00000 200TH RD, Bern, KS 66408	78.47	USD 113
wpai-378-475	R703	MEYER,JAMES J & KRISTIN K	1.13.29	00000 200TH RD, Bern, KS 66408	115.70	USD 113

wpai-402-499	R722	MEYER,JAMES J & KRISTIN K	1.13.32	2531 O RD, Bern, KS 66408	104.61	USD 113
wpai-2149-2246	R304327	MEYER,JAMES J & KRISTIN K	1.13.31	00000 200TH RD, Bern, KS 66408	37.78	USD 113
wpai-352-449	R694	MEYER,LEROY E & HELEN R	1.13.34	1624 200TH RD, Bern, KS 66408	155.98	USD 113
wpai-925-1022	R3168	MILLER, TERRY L & NANCY C TOD	2.13.4	1550 192ND RD, Bern, KS 66408	36.56	USD 115
wpai-11-108	R435	MILLER, TERRY L NANCY C REV TST	1.13.16	220 JILSON ST, Bern, KS 66408	0.44	USD 115
wpai-30-127	R447	MILLER, TIMOTHY E & GINA E	1.13.16	225 JILSON ST, Bern, KS 66408	0.59	No Preference
wpai-146-243	R594	MILLER, TIMOTHY E & GINA E	1.13.16	129 AUGUSTA ST S, BERN, KS 66408	0.44	No Preference
wpai-123-220	R565	MILLSAP, DUSTIN & MELANIE	1.13.16	1521 STATE HWY 71, Bern, KS 66408	3.50	USD 113
wpai-48-145	R468	MONTGOMERY,PAUL A & BERNICE M	1.13.16	410 MAIN ST, Bern, KS 66408	0.14	USD 115
wpai-294-391	R610	MOSER, JAMES J & ANNE M TOD	1.13.22	00000 216TH RD, Bern, KS 66408	151.34	USD 113
wpai-351-448	R692	MOSER, JAMES J & ANNE M TOD	1.13.34	1678 200TH RD, Bern, KS 66408	234.99	USD 113
wpai-358-455	R697	MOSER, JAMES J & ANNE M TOD	1.13.34	00000 192ND RD, Bern, KS 66408	76.57	USD 113
wpai-359-456	R695	MOSER, JAMES J & ANNE M TOD	1.13.34	00000 192ND RD, Bern, KS 66408	156.48	USD 113
wpai-919-1016	R3161	MOSER, JAMES J & ANNE M TOD	2.13.12	00000 176TH RD, Sabetha, KS 66534	154.44	USD 113
wpai-392-489	R711	MOSER, JAMES J & ANNE M TOD	1.13.31	00000 200TH RD, Bern, KS 66408	75.63	USD 113
wpai-917-1014	R3156	MOSER, JAMES J TOD	2.13.11	00000 184TH RD, Sabetha, KS 66534	153.65	USD 113
wpai-191-288	R341	MOSTELLER, LEON C & KAREN K TST	1.13.5	00000 232ND RD, Bern, KS 66408	160.27	USD 115
wpai-193-290	R340	MOSTELLER, LEON C & KAREN K TST	1.13.5	3006 N RD, Bern, KS 66408	79.79	USD 115
wpai-195-292	R348	MOSTELLER, LEON C & KAREN K TST	1.13.6	00000 232ND RD, Bern, KS 66408	77.83	USD 115
wpai-205-302	R353	MOSTELLER, LEON C & KAREN K TST	1.13.8	2996 N RD, Bern, KS 66408	113.35	USD 115
wpai-219-316	R355	MOSTELLER, LEON C & KAREN K TST	1.13.8	00000 N RD, Bern, KS 66408	50.54	USD 115
wpai-88-185	R522	MOSTELLER, LEON C & KAREN K TST; AGOSTA, TOM	1.13.16	308 ESSIE ST, Bern, KS 66408	0.23	USD 115
wpai-470-567	R744	MOSTELLER,ROSS E & TONYA R	1.12.11	2918 STATE HWY 63, Seneca, KS 66538	2.20	USD 115
wpai-161-258	R313	MYERS,ROBERT W & CINDY L	1.13.3	1631 232ND RD, Bern, KS 66408	0.97	USD 115
wpai-52-149	R458	NEMAHA COUNTY FIRE DIST #4	1.13.16	324 MAIN ST, Bern, KS 66408	0.35	Government/Public Property
wpai-209-306	R350	NEMAHA VALLEY, L.L.C.	1.13.7	M RD, Bern, KS 66408	163.27	USD 115
wpai-416-513	R725	NEMAHA VALLEY, L.L.C.	1.12.1	00000 L4 RD, Bern, KS 66408	146.99	USD 115
wpai-418-515	R730	NEMAHA VALLEY, L.L.C.	1.12.2	00000 240TH RD, Bern, KS 66408	62.83	USD 115
wpai-432-529	R727	NEMAHA VALLEY, L.L.C.	1.12.1	00000 L4 RD, Bern, KS 66408	156.61	USD 115
wpai-436-533	R738	NEMAHA VALLEY, L.L.C.	1.12.2	00000 232ND RD, Bern, KS 66408	71.24	USD 115
wpai-446-543	R749	NEMAHA VALLEY, L.L.C.	1.12.12	2961 L4 RD, Bern, KS 66408	156.46	USD 115
wpai-1089-1186	R5476	NIEHUES, FRANK H & JANELL M LIV TST	3.13.36	00000 R RD, Seneca, KS 66538	78.17	USD 115
wpai-1355-1452	R7123	NIEHUES, LYNN A	4.13.15	00000 Q RD, Goff, KS 66428	77.56	USD 380
wpai-2275-2372	R305345	NIEHUES,ADAM L & VALERIE M	3.13.35	1364 Q RD, Seneca, KS 66538	8.46	USD 115
wpai-1072-1169	R5457	NIEHUES,DENNIS R & LAURIE	3.13.25	00000 112TH RD, Seneca, KS 66538	315.82	USD 115
wpai-1090-1187	R5474	NIEHUES,DENNIS R & LAURIE	3.13.35	1785 96TH RD, Seneca, KS 66538	117.15	USD 115
wpai-1091-1188	R5473	NIEHUES,DENNIS R & LAURIE	3.13.35	00000 96TH RD, Seneca, KS 66538	137.59	USD 115
wpai-1082-1179	R5468	NIEHUES,LELAND B REV TST;NIEHUES,JANE M REV TST	3.13.26	00000 104TH RD, Seneca, KS 66538	77.34	USD 115

wpai-1086-1183	R5470	NIEHUES,LELAND B REV TST;NIEHUES,JANE M REV TST	3.13.35	00000 104TH RD, Seneca, KS 66538	79.16	USD 115
wpai-1087-1184	R5471	NIEHUES,LELAND B REV TST;NIEHUES,JANE M REV TST	3.13.35	Q RD, Seneca, KS 66538	146.88	USD 115
wpai-1350-1447	R7031	NIEHUES,LELAND B REV TST;NIEHUES,JANE M REV TST	4.13.10	00000 80TH RD, Goff, KS 66428	76.65	USD 115
wpai-1362-1459	R7131	NIEHUES,WAYNE & NANCY;NIEHUES,LYNN	4.13.15	00000 72ND RD, Centralia, KS 66415	76.75	USD 335
wpai-18-115	R486	NORDHUS,GERARD J & KAREN R	1.13.16	119 WEST ST, Bern, KS 66408	0.22	No Preference
wpai-84-181	R548	NORDHUS,GERARD J & KAREN R	1.13.16	00000 MATHEWS ST, Bern, KS 66408	0.83	No Preference
wpai-732-829	R981	OLBERDING, JASON L; OLBERDING, LINUS R LIV TST	1.11.12	00000 G RD, Baileyville, KS 66404	159.47	USD 115
wpai-508-605	R771	OLBERDING, KENT F	1.12.9	I RD, Seneca, KS 66538	160.98	USD 115
wpai-259-356	R302175	OLBERDING, LAWRENCE F & BETTY K TST	1.13.20	STATE HWY 71, Bern, KS 66408	35.97	USD 115
wpai-963-1060	R3204	OLBERDING, LAWRENCE F & BETTY K TST	2.13.8	184TH RD, Bern, KS 66408	151.97	USD 115
wpai-969-1066	R3205	OLBERDING, LAWRENCE F & BETTY K TST	2.13.8	00000 176TH RD, Seneca, KS 66538	40.89	USD 115
wpai-1070-1167	R5456	OLBERDING, MARIE E LIV TST	3.13.24	00000 112TH RD, Seneca, KS 66538	156.86	USD 115
wpai-263-360	R302158	OLBERDING, TONY T	1.13.20	STATE HWY 71, Bern, KS 66408	76.94	USD 115
wpai-2225-2322	R305013	OLBERDING,TONY T & SAMANTHA S	1.12.9	I RD, Seneca, KS 66538	157.55	USD 115
wpai-2-99	R424	PARTON, HEATHER J	1.13.16	526 JILSON ST, Bern, KS 66408	0.30	USD 113
wpai-390-487	R710	PERKINS,WILLIAM T III & CHRISTI A REV LIV TST	1.13.31	00000 200TH RD, Bern, KS 66408	38.42	USD 113
wpai-400-497	R718	PERKINS,WILLIAM T III & CHRISTI A REV LIV TST	1.13.32	1450 200TH RD, Bern, KS 66408	423.65	USD 113
wpai-404-501	R716	PERKINS,WILLIAM T III & CHRISTI A REV LIV TST	1.13.31	00000 N RD, Bern, KS 66408	62.99	USD 113
wpai-576-673	R832	PETERS, SHARON M TST	1.12.15	00000 J RD, Seneca, KS 66538	155.46	USD 115
wpai-588-685	R846	PETERS, SHARON M TST	1.12.22	1030 216TH RD, Seneca, KS 66538	156.36	USD 115
wpai-696-793	R912	PETERS, SHARON M TST	1.12.27	00000 STATE HWY 63, Seneca, KS 66538	75.63	USD 115
wpai-702-799	R916	PETERS, SHARON M TST	1.12.27	00000 200TH RD, Bern, KS 66408	79.04	USD 115
wpai-1074-1171	R5460	PFRANG LEGACY TST	3.13.26	00000 112TH RD, Goff, KS 66428	118.87	USD 113
wpai-1078-1175	R5461	PFRANG LEGACY TST	3.13.26	00000 R RD, Goff, KS 66428	38.93	USD 113
wpai-1065-1162	R5452	PFRANG, DEREK	3.13.24	00000 120TH RD, Seneca, KS 66538	156.31	USD 335
wpai-1063-1160	R5441	PFRANG, GARY F	3.13.13	00000 120TH RD, Goff, KS 66428	157.43	USD 113
wpai-1067-1164	R5450	PFRANG, GARY TST	3.13.23	1750 120TH RD, Seneca, KS 66538	586.34	USD 113
wpai-1069-1166	R5451	PFRANG, GARY TST	3.13.23	00000 R RD, Seneca, KS 66538	39.28	USD 113
wpai-1061-1158	R5440	PFRANG,DAVID & VIRGINIA GIFTING TST	3.13.13	00000 128TH RD, Seneca, KS 66538	155.80	USD 113
wpai-1062-1159	R5442	PFRANG,DAVID & VIRGINIA GIFTING TST	3.13.13	00000 R RD, Goff, KS 66428	156.40	USD 113
wpai-128-225	R582	PLATT,FRANK L & KATHIE N	1.13.16	129 AUGUSTA ST, Bern, KS 66408	0.33	USD 115
wpai-680-777	R890	PLATTNER, ELDON G & WANETA S TST	1.12.25	00000 200TH RD, Bern, KS 66408	76.79	USD 113
wpai-4-101	R427	RALSTON, DAVID J	1.13.16	438 JILSON ST, Bern, KS 66408	0.56	No Preference
wpai-324-421	R412	RALSTON, DAVID J	1.13.16	00000 O4 RD, Bern, KS 66408	1.09	No Preference
wpai-6-103	R429	RALSTON, DEMA J	1.13.16	424 JILSON ST, Bern, KS 66408	0.30	Unable to Reach
wpai-121-218	R567	RAMSEY, ALICE K	1.13.16	424 MATHEWS ST, Bern, KS 66408	2.73	USD 113
wpai-140-237	R586	REED, KENNY M	1.13.16	615 MAIN ST, Bern, KS 66408	0.41	No Preference
wpai-326-423	R303614	REEDER, JOHN A	1.13.16	612 CHRISTOPHER ST, Bern, KS 66408	0.46	USD 115

wpai-129-226	R578	REYNOLDS, SCOTT E & JEAN A	1.13.16	120 WEST ST, Bern, KS 66408	0.52	No Preference
wpai-484-581	R767	RICHARD FAMILY TST	1.12.4	00000 I RD, Seneca, KS 66538	76.53	Unable to Reach
wpai-736-833	R302106	RICHARDSON, HAROLD W & DEEANN; RICHARDSON,ANDREW JOHN; RICHA	1.11.4	306 240th RD, AXTELL, KS 66403	37.17	Unable to Reach
wpai-737-834	R989	RICHARDSON,HAROLD W & DEEANN M	1.11.4	00000 C RD, Axtell, KS 66403	37.49	Unable to Reach
wpai-38-135	R485	RICHARDSON,JASON E & JESSICA D	1.13.16	532 MAIN ST, Bern, KS 66408	0.25	No Preference
wpai-24-121	R463	RICK, VALERIE A	1.13.16	417 JILSON ST, Bern, KS 66408	0.17	No Preference
wpai-2245-2342	R305211	ROBERTSON, ADAM & MARY	1.13.27	2673 Q RD, Bern, KS 66408	3.72	No Preference
wpai-678-775	R896	ROGER, ROY ALLEN TOD	1.12.26	00000 STATE HWY 63, Bern, KS 66408	161.15	Unable to Reach
wpai-1-98	R423	ROGERS, CHERI	1.13.16	606 JILSON ST, Bern, KS 66408	0.64	Unable to Reach
wpai-398-495	R714	ROHLMEIER, AMY	1.13.31	1306 200TH RD, Bern, KS 66408	2.56	No Preference
wpai-2259-2356	R305273	RONNEBAUM, JASON ANTHONY & JESSICA MARIE	1.11.15	2877 E RD, Baileyville, KS 66404	72.95	USD 115
wpai-2260-2357	R305275	RONNEBAUM, JASON ANTHONY & JESSICA MARIE	1.11.10	E RD, Baileyville, KS 66404	2.88	USD 115
wpai-44-141	R473	ROSS, TYLER L	1.13.16	430 MAIN ST, Bern, KS 66408	0.24	USD 115
wpai-672-769	R887	ROTTINGHAUS, EMMETT J & KATHLEEN R TOD	1.12.25	00000 200TH RD, Bern, KS 66408	41.16	Unable to Reach
wpai-674-771	R897	ROTTINGHAUS, EMMETT J & KATHLEEN R TOD	1.12.26	00000 200TH RD, Bern, KS 66408	81.61	Unable to Reach
wpai-682-779	R898	ROTTINGHAUS, GERALD F FAMILY TST	1.12.26	1189 200TH RD, Bern, KS 66408	78.97	USD 113
wpai-684-781	R888	ROTTINGHAUS, GERALD F FAMILY TST	1.12.25	00000 200TH RD, Bern, KS 66408	39.09	USD 113
wpai-902-999	R1499	ROTTINGHAUS, LYLE I REV INTER VIVOS TST;ROTTINGHAUS,DIANE J REV INT	2.12.1	1222 192ND RD, Seneca, KS 66538	211.47	USD 115
wpai-904-1001	R1501	ROTTINGHAUS, LYLE I REV INTER VIVOS TST;ROTTINGHAUS,DIANE J REV INT	2.12.1	00000 L RD, Seneca, KS 66538	99.15	USD 115
wpai-654-751	R877	ROTTINGHAUS, WAYNE & MARILYN K; STUEVE, JANE HELEN & TERRENCE LY	1.12.23	00000 STATE HWY 63, Seneca, KS 66538	156.98	USD 115
wpai-2163-2260	R304441	RUEGGE,BRYAN E & BETTY J	1.11.1	00000 240TH RD, Baileyville, KS 66404	33.10	USD 115
wpai-991-1088	R3331	RUSSELL, JEFFREY D & JOYCE A TST	2.13.23	168TH RD, Sabetha, KS 66534	15.26	USD 115
wpai-61-158	R490	SAVAGE, AMBER; MESSICK, CHARLES	1.13.16	519 MAIN ST, Bern, KS 66408	0.14	No Preference
wpai-743-840	R999	SCHMITZ, KENNETH L	1.11.10	E RD, Baileyville, KS 66404	117.52	USD 115
wpai-281-378	R389	SCHMITZ, LEROY V	1.13.20	00000 N RD, Bern, KS 66408	157.36	No Preference
wpai-382-479	R700	SCHMITZ, LEROY V	1.13.29	00000 N RD, Bern, KS 66408	73.20	No Preference
wpai-257-354	R388	SCHMITZ, LEROY V & JULIE A	1.13.20	00000 216TH RD, Bern, KS 66408	27.77	No Preference
wpai-2264-2361	R305306	SCHMITZ,JUSTIN V & JANELLE	1.11.12	00000 G RD, Baileyville, KS 66404	23.23	USD 115
wpai-452-549	R742	SEXTRO, KARLA JEAN	1.12.11	00000 STATE HWY 63, Bern, KS 66408	115.22	USD 115
wpai-37-134	R487	SEXTRO, KENT	1.13.16	604 MAIN ST, Bern, KS 66408	0.23	USD 115
wpai-466-563	R745	SEXTRO,ROBERT R & KARLA J	1.12.11	1147 224TH RD, Seneca, KS 66538	94.91	USD 115
wpai-468-565	R743	SEXTRO,ROBERT R & KARLA J	1.12.11	00000 224TH RD, Seneca, KS 66538	35.47	USD 115
wpai-584-681	R834	SEXTRO,ROBERT R & KARLA J	1.12.15	2823 STATE HWY 63, Seneca, KS 66538	1.93	USD 115
wpai-616-713	R860	SEXTRO,ROBERT R & KARLA J	1.12.13	1263 STATE HWY 71, Bern, KS 66408	155.88	USD 115
wpai-336-433	R419	SHEIK,WILLIAM J & THERESA	1.13.16	224 S WEST ST, Bern, KS 66408	0.96	USD 115
wpai-602-699	R850	SHOCKEY, WILLIAM	1.12.22	00000 STATE HWY 63, Seneca, KS 66538	0.49	Unable to Reach
wpai-1365-1462	R7137	SOURK, EDWARD W	4.13.16	1037 P RD, Goff, KS 66428	159.20	USD 115
wpai-1079-1176	R5459	SPERFSLAGE, WILLIAM D & MILINDA K TST	3.13.25	00000 R RD, Seneca, KS 66538	155.92	USD 115

wpai-1085-1182	R5469	SPERFSLAGE, WILLIAM D & MILINDA K TST	3.13.35	00000 R RD, Seneca, KS 66538	77.90	USD 115
wpai-953-1050	R3190	SPRINGWATER RANCH, LLC	2.13.5	2410 N RD, Seneca, KS 66538	158.50	USD 113
wpai-2223-2320	R305012	STALLBAUMER FAMILY FARMS, LLC	1.12.9	I RD, Seneca, KS 66538	305.34	USD 115
wpai-943-1040	R3187	STALLBAUMER, DONNA TST	2.13.5	00000 192ND RD, Seneca, KS 66538	77.54	USD 115
wpai-945-1042	R3193	STALLBAUMER, DONNA TST	2.13.6	00000 192ND RD, Seneca, KS 66538	76.28	USD 115
wpai-245-342	R363	STALLBAUMER, GARRET J	1.13.17	1479 STATE HWY 71, Bern, KS 66408	3.51	USD 115
wpai-118-215	R560	STALLBAUMER,DANIEL J & TERESA K	1.13.16	225 WEST ST S, BERN, KS 66408	2.00	No Preference
wpai-492-589	R770	STALLBAUMER,DANIEL J & TERESA K	1.12.4	00000 232ND RD, Seneca, KS 66538	80.03	No Preference
wpai-50-147	R466	STATE BANK OF BERN	1.13.16	402 MAIN ST, Bern, KS 66408	0.14	USD 115
wpai-740-837	R991	STEINLAGE, MICHAEL G	1.11.4	00000 232ND RD, Baileyville, KS 66404	77.88	USD 115
wpai-1364-1461	R7128	STEPHENS, MARY LEE REV TST	4.13.15	00000 P RD, Goff, KS 66428	39.62	USD 113
wpai-1366-1463	R7136	STEPHENS, MARY LEE REV TST	4.13.16	00000 72nd RD, GOFF, KS 66428	81.34	USD 113
wpai-918-1015	R3162	STRAHM FARMS INC	2.13.12	00000 176TH RD, Sabetha, KS 66534	155.02	USD 113
wpai-300-397	R601	STRAHM, BRIAN J & CHRISTIE S; STRAHM, JASON L & COURTNEY A	1.13.21	00000 O RD, Bern, KS 66408	38.74	USD 115
wpai-306-403	R614	STRAHM, CLAYTON J & MIRIAM A REV LIV TST	1.13.22	00000 P RD, Bern, KS 66408	74.42	USD 115
wpai-305-402	R616	STRAHM, PEGGY L	1.13.22	2723 Q RD, Bern, KS 66408	232.67	USD 113
wpai-933-1030	R3174	STRAHM, PEGGY L TST	2.13.9	2346 O RD, Seneca, KS 66538	312.74	USD 113
wpai-229-326	R361	STRAHM, PETER M; STRAHM, FRITZ B	1.13.17	00000 O RD, Bern, KS 66408	78.29	USD 113
wpai-932-1029	R3182	STRAHM,FRITZ B;STRAHM,HANS L	2.13.10	00000 184TH RD, Seneca, KS 66538	157.68	USD 113
wpai-320-417	R401	STRATHMAN LIVING TST - STRATHMAN,EDWIN & LYNETTE	1.13.16	515 HEROLD ST, Bern, KS 66408	0.88	USD 115
wpai-330-427	R407	STRATHMAN LIVING TST - STRATHMAN,EDWIN & LYNETTE	1.13.16	00000 CHRISTOPHER ST, Bern, KS 66408	0.40	USD 115
wpai-2165-2262	R304437	STRATHMAN LIVING TST - STRATHMAN,EDWIN & LYNETTE	1.13.9	2910 O RD, Bern, KS 66408	5.38	USD 115
wpai-120-217	R568	STRATHMAN,EDWIN & LYNETTE	1.13.16	411 MATHEWS ST, Bern, KS 66408	0.89	USD 115
wpai-2214-2311	R304869	STREIT, NATHAN & SUDBECK, KAYLA	1.13.16	734 CHRISTOPHER ST, Bern, KS 66408	4.08	USD 115
wpai-974-1071	R3244	STUKE, BRANDEE A TOD	2.13.16	O RD, Oneida, KS 66522	93.13	USD 115
wpai-2137-2234	R304203	SUDBECK, ELDON & THERESA J TST	1.12.25	00000 L4 RD, Bern, KS 66408	60.01	USD 115
wpai-658-755	R886	SUDBECK, KEVIN	1.12.25	00000 L4 RD, Bern, KS 66408	159.66	USD 115
wpai-660-757	R891	SUDBECK, KEVIN	1.12.26	00000 L4 RD, Bern, KS 66408	10.16	USD 115
wpai-676-773	R889	SUDBECK, LARRY J & ROSE MARY REV TST UTA	1.12.25	1235 200TH RD, Bern, KS 66408	76.82	USD 115
wpai-688-785	R907	SUDBECK, LARRY J & ROSE MARY REV TST UTA	1.12.36	00000 200TH RD, Bern, KS 66408	155.43	USD 115
wpai-692-789	R901	SUDBECK, LARRY J & ROSE MARY REV TST UTA	1.12.35	00000 200TH RD, Bern, KS 66408	78.25	USD 115
wpai-386-483	R303239	SUDBECK, MARK J	1.13.30	1363 200TH RD, Bern, KS 66408	116.44	USD 115
wpai-380-477	R702	SUDBECK, MATTHEW L	1.13.29	00000 200TH RD, Bern, KS 66408	78.36	USD 115
wpai-388-485	R719	SUDBECK, MATTHEW L	1.13.32	1235 200TH RD, Bern, KS 66408	78.34	Unable to Reach
wpai-664-761	R885	SUDBECK, NATE E & AMANDA D TOD	1.12.25	00000 M RD, Bern, KS 66408	175.48	USD 115
wpai-554-651	R807	SUDBECK,CURTIS A & MINDY L	1.12.17	00000 I RD, Seneca, KS 66538	198.21	USD 115
wpai-2209-2306	R876	SUDBECK,JAMES & ELIZABETH	1.12.23	1186 212TH RD, Bern, KS 66408	252.25	USD 115
wpai-2251-2348	R802	SUDBECK,JAMES & ELIZABETH	1.12.17	00000 224TH RD, Seneca, KS 66538	78.88	USD 115

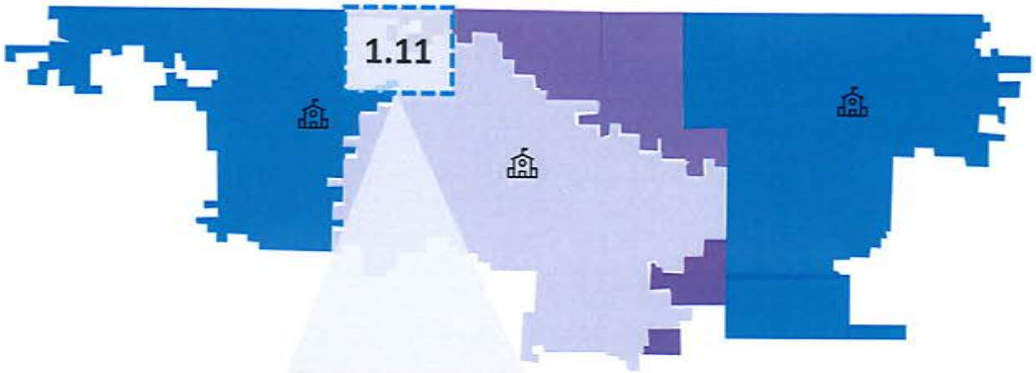
wpai-374-471	R709	SUDBECK,MATTHEW & KIMBERLY	1.13.30	200TH RD, Bern, KS 66408	116.13	USD 115
wpai-550-647	R799	SUDBECK,STEVEN L & DONNA C	1.12.8	00000 224TH RD, Seneca, KS 66538	104.85	USD 115
wpai-20-117	R478	SUMMERS, RANDY A	1.13.16	517 JILSON ST, Bern, KS 66408	0.58	USD 115
wpai-747-844	R1005	SUNNEBERG, MARK	1.11.6	00000 232ND RD, Axtell, KS 66403	115.69	No Preference
wpai-742-839	R993	SUNNEBERG,WILLIAM & ELSIE	1.11.9	00000 C RD, Axtell, KS 66403	317.28	No Preference
wpai-2287-2384	R305440	SWART,CARL D & RUTH P, LE	3.13.26	1494 Q RD, Seneca, KS 66538	0.69	USD 115
wpai-1094-1191	R5481	SWART,CARL D & RUTH P; SWART,JAMES M & JACKIE M	3.13.27	1672 112TH RD, Seneca, KS 66538	156.04	USD 115
wpai-1097-1194	R5487	SWART,CARL D & RUTH P; SWART,JAMES M & JACKIE M	3.13.28	00000 112TH RD, Seneca, KS 66538	79.43	USD 115
wpai-1075-1172	R5462	SWART,CLIFFORD L TST; SWART,MERIDEE L TST	3.13.26	1728 112TH RD, Seneca, KS 66538	79.46	Unable to Reach
wpai-1095-1192	R5482	SWART,GERALD A REV TST;SWART,NANCY G REV TST	3.13.27	00000 112TH RD, Seneca, KS 66538	302.54	USD 115
wpai-1098-1195	R5486	SWART,GERALD A REV TST;SWART,NANCY G REV TST	3.13.28	00000 112TH RD, Seneca, KS 66538	78.11	USD 115
wpai-1363-1460	R7130	SWART,GERALD A REV TST;SWART,NANCY G REV TST	4.13.15	00000 Q RD, Goff, KS 66428	79.19	USD 115
wpai-2151-2248	R304342	SWART,ISAAC A	3.13.28	1588 112TH RD, Seneca, KS 66538	2.79	USD 115
wpai-1060-1157	R5431	SWART,JAMES M & JACKIE M	3.13.21	1581 112TH RD, Seneca, KS 66538	118.42	USD 115
wpai-1076-1173	R5465	SWART,JAMES M & JACKIE M	3.13.26	Q RD, Seneca, KS 66538	70.88	USD 115
wpai-1077-1174	R5463	SWART,JAMES M & JACKIE M	3.13.26	1482 Q RD, Seneca, KS 66538	5.20	USD 115
wpai-1099-1196	R5484	SWART,JAMES M & JACKIE M	3.13.27	00000 104TH RD, Seneca, KS 66538	152.22	USD 115
wpai-1096-1193	R5483	SWART,TODD A & GENA M	3.13.27	1600 112TH RD, Seneca, KS 66538	10.25	USD 115
wpai-931-1028	R3181	SWEAT, JEREMY A & CAREY R REV LIV TST AGMT	2.13.10	00000 184TH RD, Seneca, KS 66538	76.76	USD 113
wpai-939-1036	R3184	SWEAT, JEREMY A & CAREY R REV LIV TST AGMT	2.13.10	00000 Q RD, Seneca, KS 66538	77.39	USD 113
wpai-131-228	R583	TANGEMAN, ANTHONY P	1.13.16	00000 AUGUSTA ST, Bern, KS 66408	0.27	USD 115
wpai-132-229	R573	TANGEMAN, ANTHONY P	1.13.16	116 AUGUSTA ST, Bern, KS 66408	0.26	USD 115
wpai-396-493	R713	TANGEMAN,DANIEL & KRISTIN	1.13.31	00000 200TH RD, Bern, KS 66408	147.03	USD 115
wpai-406-503	R715	TANGEMAN,DANIEL & KRISTIN	1.13.31	00000 M RD, Bern, KS 66408	135.40	USD 115
wpai-978-1075	R3319	TANGEMAN,LEROY B TST;TANGEMAN,SHARON K TST	2.13.13	00000 176TH RD, Seneca, KS 66538	155.21	USD 115
wpai-370-467	R706	TANGEMAN,LEROY B TST;TANGEMAN,SHARON K TST	1.13.30	1326 208TH RD, Bern, KS 66408	146.77	USD 115
wpai-686-783	R906	TANGEMAN,LEROY B TST;TANGEMAN,SHARON K TST	1.12.36	1286 200TH RD, Bern, KS 66408	154.13	USD 115
wpai-947-1044	R3194	TANGEMAN,LEROY B TST;TANGEMAN,SHARON K TST	2.13.6	00000 192ND RD, Seneca, KS 66538	231.30	USD 115
wpai-967-1064	R3198	TANGEMAN,LEROY B TST;TANGEMAN,SHARON K TST	2.13.7	2394 M RD, Seneca, KS 66538	149.19	USD 115
wpai-372-469	R707	TANGEMAN,PATRICK B & RITA	1.13.30	1326 208TH RD, Bern, KS 66408	2.62	USD 115
wpai-261-358	R385	TANGEMAN,RODNEY L & MELISSA M	1.13.20	1432 STATE HWY 71, Bern, KS 66408	2.24	USD 115
wpai-422-519	R733	TEGTMEIER,CLINT J & MARY E	1.12.2	00000 STATE HWY 63, Bern, KS 66408	150.56	USD 115
wpai-424-521	R734	TEGTMEIER,CLINT J & MARY E	1.12.2	3091 STATE HWY 63, Bern, KS 66408	2.30	USD 115
wpai-426-523	R735	TEGTMEIER,CLINT J & MARY E	1.12.2	3081 STATE HWY 63, Bern, KS 66408	1.33	USD 115
wpai-476-573	R756	TEGTMEIER,CLINT J & MARY E	1.12.3	00000 STATE HWY 63, Bern, KS 66408	76.15	USD 115
wpai-478-575	R757	TEGTMEIER,CLINT J & MARY E	1.12.3	00000 232ND RD, Bern, KS 66408	153.25	USD 115
wpai-2190-2287	R304755	TEGTMEIER,CLINT J & MARY E	1.12.3	00000 STATE HWY 63, Bern, KS 66408	18.21	USD 115
wpai-167-264	R334	THE EVANGELICAL SOCIETY CLERKS OFFICE	1.13.10	00000 P RD, Bern, KS 66408	0.56	USD 115

wpai-310-407	R606	THIEME, DIANE L REV TST	1.13.21	00000 208TH RD, Bern, KS 66408	38.32	USD 113
wpai-339-436	R671	THIEME, DIANE L REV TST	1.13.27	00000 208TH RD, Bern, KS 66408	152.44	USD 113
wpai-340-437	R676	THIEME, DIANE L REV TST	1.13.28	1568 208TH RD, Bern, KS 66408	151.97	USD 113
wpai-341-438	R303959	THIEME, SHON T	1.13.28	1598 208TH RD, Bern, KS 66408	3.80	Refused to Participate
wpai-430-527	R729	THOMAS,SUSAN R;FISCHER,JAY R	1.12.1	00000 L4 RD, Bern, KS 66408	157.69	USD 115
wpai-293-390	R303580	ULMER, SETH	1.13.15	1613 216TH RD, Bern, KS 66408	6.15	USD 113
wpai-570-667	R302107	VALLEY VIEW MILLING, LLC	1.12.15	STATE HWY 63, Seneca, KS 66538	5.43	USD 115
wpai-574-671	R829	VALLEY VIEW TRUCKING, LLC	1.12.15	2875 STATE HWY 63, Seneca, KS 66538	5.53	USD 115
wpai-307-404	R607	WALKER, STEPHEN & PAMELA A TOD	1.13.21	00000 O RD, Bern, KS 66408	73.96	USD 113
wpai-309-406	R608	WALKER, STEPHEN & PAMELA A TOD	1.13.21	2730 O RD, Bern, KS 66408	5.13	USD 113
wpai-53-150	R457	WASHINGTON TOWNSHIP BOARD	1.13.16	322 MAIN ST, Bern, KS 66408	0.14	Government/Public Property
wpai-2153-2250	R304328	WATKINS, MATTHEW	1.12.7	2964 G RD, Seneca, KS 66538	3.23	Unable to Reach
wpai-368-465	R705	WEIDE, KIM C TST	1.13.30	00000 208TH RD, Bern, KS 66408	77.83	Unable to Reach
wpai-265-362	R386	WENGER, ANTHONY L	1.13.20	1418 STATE HWY 71, Bern, KS 66408	3.42	Unable to Reach
wpai-10-107	R434	WESTMARK ENERGY RESOURCES	1.13.16	00000 JILSON ST, Bern, KS 66408	0.46	No Preference
wpai-333-430	R404	WESTMARK ENERGY RESOURCES	1.13.16	00000 CHRISTOPHER ST, Bern, KS 66408	0.97	No Preference
wpai-25-122	R464	WETZEL, DARRYL E	1.13.16	413 JILSON ST, Bern, KS 66408	0.29	USD 115
wpai-40-137	R483	WETZEL,DARRYL E & LORI A	1.13.16	518 MAIN ST, Bern, KS 66408	0.21	USD 115
wpai-119-216	R551	WIERS, JASON P	1.13.16	1531 216TH RD, Bern, KS 66408	5.52	USD 115
wpai-273-370	R377	WIERS, JASON P	1.13.19	2792 M RD, Bern, KS 66408	3.20	USD 115
wpai-271-368	R376	WIERS, KATHERINE M	1.13.19	00000 216TH RD, Bern, KS 66408	6.73	USD 115
wpai-12-109	R436	WILSON RENTALS, LLC	1.13.16	210 JILSON ST, Bern, KS 66408	0.16	USD 115
wpai-13-110	R437	WILSON RENTALS, LLC	1.13.16	204 JILSON ST, Bern, KS 66408	0.81	USD 115
wpai-15-112	R439	WILSON RENTALS, LLC	1.13.16	116 JILSON ST, Bern, KS 66408	0.26	USD 115
wpai-32-129	R302864	WILSON RENTALS, LLC	1.13.16	JILSON ST, Bern, KS 66408	0.28	USD 115
wpai-34-131	R442	WILSON RENTALS, LLC	1.13.16	129 JILSON ST, Bern, KS 66408	0.43	USD 115
wpai-35-132	R443	WILSON RENTALS, LLC	1.13.16	117 JILSON ST, Bern, KS 66408	0.43	USD 115
wpai-42-139	R481	WILSON RENTALS, LLC	1.13.16	506 MAIN ST, Bern, KS 66408	0.34	USD 115
wpai-62-159	R491	WILSON RENTALS, LLC	1.13.16	515 MAIN ST, Bern, KS 66408	0.14	USD 115
wpai-93-190	R533	WILSON RENTALS, LLC	1.13.16	305 MATHEWS & ESSIE, Bern, KS 66408	0.52	USD 115
wpai-94-191	R534	WILSON RENTALS, LLC	1.13.16	321 ESSIE ST, Bern, KS 66408	0.30	USD 115
wpai-111-208	R561	WILSON RENTALS, LLC; MILLSAP, JARED	1.13.16	329 BAKER ST, Bern, KS 66408	0.45	USD 115
wpai-135-232	R572	WILSON RENTALS, LLC; PITTMAN, LESLIE; ARENA, ASHLEY	1.13.16	112 AUGUSTA ST, Bern, KS 66408	0.26	USD 115
wpai-58-155	R446	WILSON, WARREN L	1.13.16	00000 MAIN ST, Bern, KS 66408	0.45	USD 115
wpai-36-133	R444	WILSON,WARREN L & LAURIE	1.13.16	2844 O RD, Bern, KS 66408	0.54	USD 115
wpai-221-318	R366	WILSON,WARREN L & LAURIE A	1.13.18	2827 N RD, Bern, KS 66408	199.49	USD 115
wpai-237-334	R369	WILSON,WARREN L & LAURIE A	1.13.18	00000 216TH RD, Bern, KS 66408	78.21	USD 115
wpai-552-649	R801	WILSON,WARREN L & LAURIE A	1.12.17	00000 224TH RD, Bern, KS 66408	36.92	USD 115

wpai-1351-1448	R7030	WINKLER,MARK A & MARIAN D	4.13.10	T37 1659 80TH RD, Goff, KS 66428	78.89	USD 115
wpai-1356-1453	R7124	WINKLER,MARK A & MARIAN D	4.13.15	00000 80TH RD, Goff, KS 66428	81.35	USD 115
wpai-168-265	R322	WITT, ROBERT	1.13.9	1582 232ND RD, Bern, KS 66408	2.29	Refused to Participate
wpai-69-166	R504	WITTMER, EARL DEAN	1.13.16	403 MAIN ST, Bern, KS 66408	0.05	Unable to Reach
wpai-408-505	R720	WITTMER, RODNEY	1.13.32	00000 N RD, Bern, KS 66408	9.54	Unable to Reach
wpai-17-114	R441	WOOD, JENNIFER L	1.13.16	104 JILSON ST, Bern, KS 66408	0.26	USD 115
wpai-930-1027	R3173	WOODBRIDGE FARM, LLC	2.13.4	00000 P RD, Seneca, KS 66538	155.74	USD 115
wpai-87-184	R519	YOUNG, BARBARA A TOD; YOUNG DONALD L	1.13.16	00000 W ESSIE ST, Bern, KS 66408	0.40	No Preference
wpai-89-186	R523	YOUNG, BARBARA A TOD; YOUNG DONALD L	1.13.16	316 ESSIE ST, Bern, KS 66408	0.24	No Preference
wpai-104-201	R540	ZIMMERSCHIED, JUSTIN K	1.13.16	318 BAKER ST, Bern, KS 66408	0.30	USD 115

Exhibit B-1

Section-by-Section View: Section 1.11



Student Counts

	A Rd.	B Rd.	C Rd.	D Rd.	E Rd.	F Rd.
State Line						
232 Rd.						
224 Rd.		1				
216 Rd.				3	3	1
208 Rd.	2					1
200 Rd.			4		1	

Student Counts by Section

USD 113	USD 115
2 (13%)	14 (88%)

Time/Distance Analysis

USD 113	USD 115
33-41 mins (to Sabetha)*	22-27 mins (to NMC)

Landowner Preferences

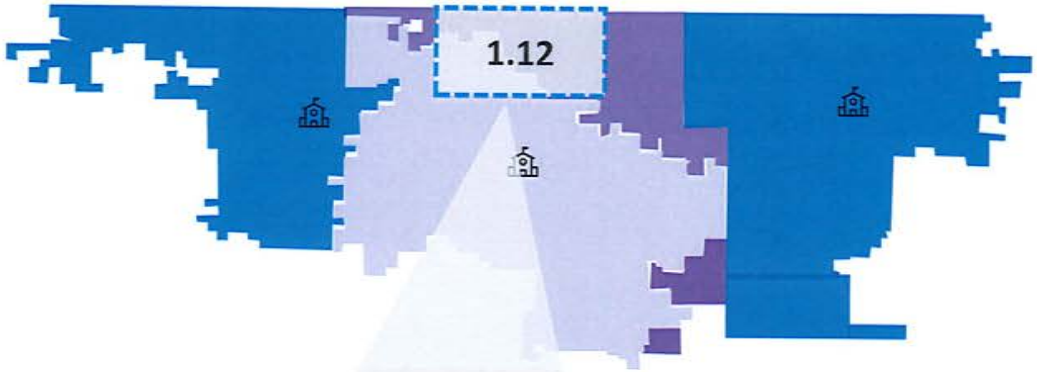
USD 113	Neutral	Unable to Reach	USD 115
2%	7%	25%	**66%**

Source: Refer to Master Student Database file to validate student counts. Refer to Master Landowner Survey Database file to validate survey results. Time/Distance analysis displays Minimum and Maximum travel time for land area. Refer to Master Time Distance Analysis file to view additional details.

** This is the only section of land proposed for transfer that should also consider distance to Axtell in the analysis. This small strip of land is 19-23 mins from Axtell.*

Exhibit B-2

Section-by-Section View: Section 1.12



Student Counts

	G Rd.	H Rd.	I Rd.	J Rd.	K Rd.	L Rd.
State Line				1		
232 Rd.				3	3	2
224 Rd.		1				1
216 Rd.						
208 Rd.			3	2		
200 Rd.	1		2	1		

Student Counts by Section

USD 113	USD 115
0 (0%)	20 (100%)

Time/Distance Analysis

USD 113	USD 115
22-33 mins (to Sabetha)	9-21 mins (to NMC)

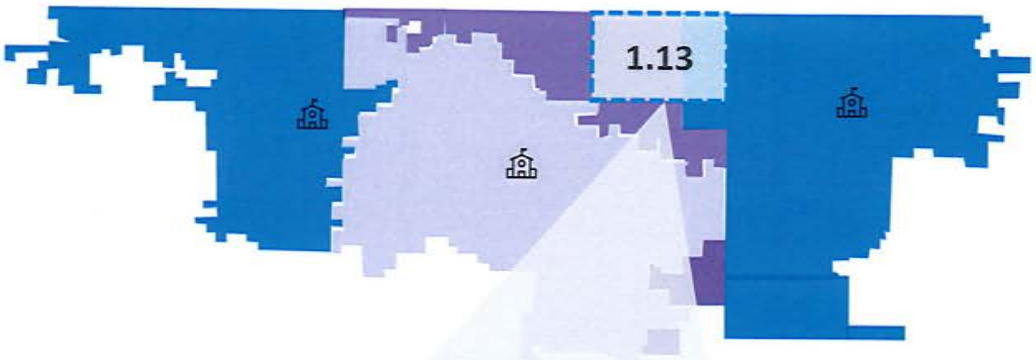
Landowner Preferences

USD 113	Neutral	Unable to Reach	USD 115
4%	10%	3%	**82%**

Source: Refer to Master Student Database file to validate student counts. Refer to Master Landowner Survey Database file to validate survey results. Time/Distance analysis displays Minimum and Maximum travel time for land area. Refer to Master Time Distance Analysis file to view additional details.

Exhibit A

Section-by-Section View: Section 1.13



Student Counts

	M Rd.	N Rd.	O Rd.	P Rd.	Q Rd.	R Rd.
State Line	2					
232 Rd.	2		4			
224 Rd.		6	23 15		2	
216 Rd.	2	3	1		3	
208 Rd.				2	1	1
200 Rd.		2	2		3	2

Student Counts by Section

USD 113	USD 115
29 (38%)	47 (62%)

Time/Distance Analysis

USD 113	USD 115
16-25 mins (to Sabetha)	12-21 mins (to NMC)

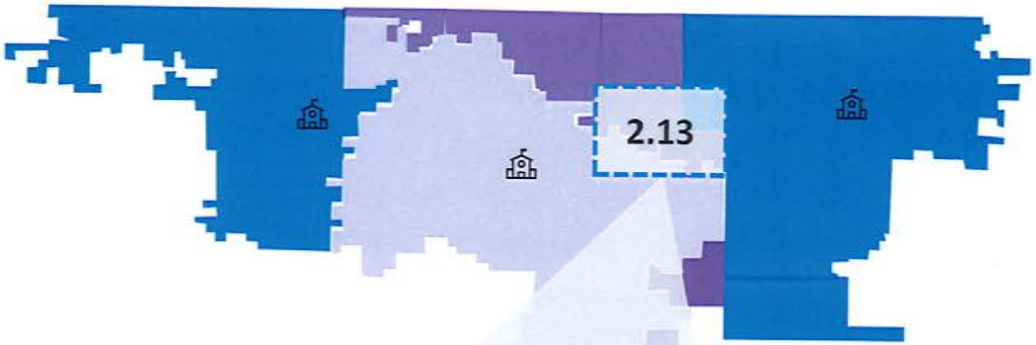
Landowner Preferences

USD 113	Neutral	Unable to Reach	USD 115
21%	8%	23%	48%

Source: Refer to Master Student Database file to validate student counts. Refer to Master Landowner Survey Database file to validate survey results. Time/Distance analysis displays Minimum and Maximum travel time for land area. Refer to Master Time Distance Analysis file to view additional details.

Exhibit A

Section-by-Section View: Section 2.13



Student Counts

	M	N	O	P	Q	R
192					3	
184	8	2				
176		1				
168	1 2		2	7	2	
160	2	3	3			
Hwy 36			3 2			

Student Counts by Section

USD 113	USD 115
4 (10%)	37 (90%)

Time/Distance Analysis

USD 113	USD 115
13-26 mins (to Sabetha)	11-17 mins (to NMC)

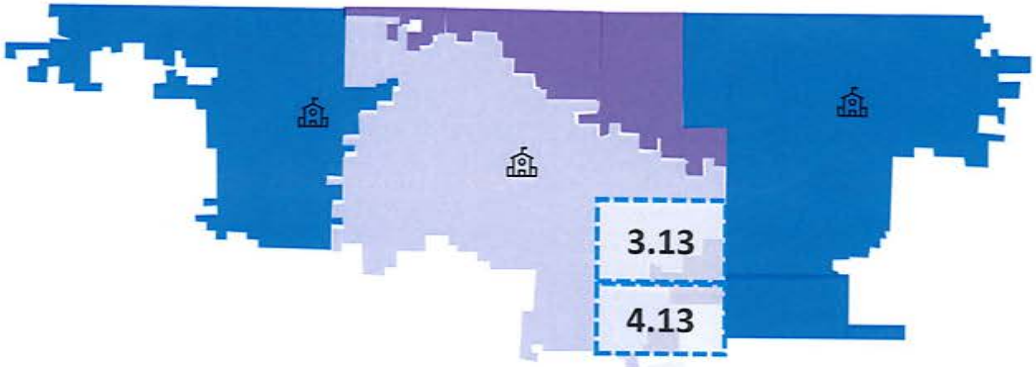
Landowner Preferences

USD 113	Neutral	Unable to Reach	USD 115
20%	0%	9%	71%

Source: Refer to Master Student Database file to validate student counts. Refer to Master Landowner Survey Database file to validate survey results. Time/Distance analysis displays Minimum and Maximum travel time for land area. Refer to Master Time Distance Analysis file to view additional details.

Exhibit B-3

Section-by-Section View: Section 3.13 and 4.13



Student Counts

	M	N	O	P	Q	R
144 Rd	4			2		
136 Rd			2		1	
128 Rd				6	1	
120 Rd	2	3	2			
112 Rd		1	1		1	
104 Rd	2	4			3	
96	4			3	2	
88	6					
80	5		2	3		
72						
64						
56				1	1	

Student Counts by Section

USD 113	USD 115
2 (03%)	60 (97%)

Time/Distance Analysis

USD 113	USD 115
17-27 mins (to Sabetha)	13-21 mins (to NMC)

Landowner Preferences

USD 113	Neutral	Unable to Reach	USD 115
22%	8%	8%	63%

Source: Refer to Master Student Database file to validate student counts. Refer to Master Landowner Survey Database file to validate survey results. Time/Distance analysis displays Minimum and Maximum travel time for land area. Refer to Master Time Distance Analysis file to view additional details.

Exhibit B-4

Grant Total: Student Counts

Student Counts

State Line	USD 113	USD 115	USD 113	USD 115	USD 113	USD 115
232	2 (13%)	14 (88%)	0 (0%)	20 (100%)	29 (38%)	47 (62%)
224						
216						
208						
200						
192						
184	11 (15%)	64 (85%)	0 (0%)	378 (100%)	4 (10%)	37 (90%)
176			NMC			
168						
160						
Hwy 36						
144 Rd						
136 Rd						
128 Rd						
120 Rd						
112 Rd	0 (0%)	16 (100%)	0 (0%)	72 (100%)	2 (03%)	60 (97%)
104 Rd						
96						
88						
80						
72						
64						
56						

Source: Refer to Master Student Database file to validate student counts.

Grand Total Student Counts

USD 113	USD 115
48 (06%)	708 (94%)

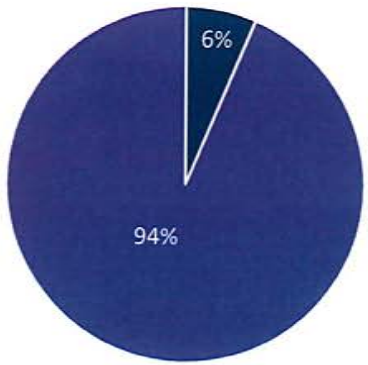


Exhibit B-5

USD 113's plat by plat student count

(individual student names and addresses available in XLS format)

29	30	31		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
0	0	0	State Line	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	232	0	0	0	0	0	0	0	0	0	0	0	0	2	0	4	0	0	0	0	0	0	0	0	0
0	0	0	224	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15	0	2	0	0	0	0	0	0	0
0	0	0	216	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0
0	0	0	208	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	3	0	5	0	0	0
0	0	0	200	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0
0	0	0	192	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	184	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
0	0	0	176	0	2	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	168	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0
0	0	2	160	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
0	0	0	Hwy 36	4	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	2	0	0	0	0
0	0	0	144 Rd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
0	0	0	136 Rd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	128 Rd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
0	0	0	120 Rd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
0	0	0	112 Rd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	1	0	0	0
0	0	0	104 Rd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0
			96	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
			88	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
			80	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
			72	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
			64	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
			56	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
																						0	0	0	0	0	0
																						0	0	0	0	0	0

Detailed information (student-by-student plotting) available in XLS format. The XLS document provides traceability for all reported information, including each of the 49 students submitted by USD 113 in the original data sharing request. Note, 20 of the 49 students originally submitted by USD 113 live outside of the expected reporting area, with 17 of the 20 students living greater than 2 miles from area proposed for transfer, and one student living over 10 miles from the proposed transfer area.

Exhibit B-6

USD 115's plat by plat student count

(individual student names and addresses available in XLS format)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
State Line	0	0	0	0	0	0	0	0	0	1	0	0	2	0	0	0	0	0	0	0	0	0	0	0
232	0	0	0	0	0	0	0	0	0	3	3	2	0	0	0	0	0	0	0	0	0	0	0	0
224	0	1	0	0	0	0	0	1	0	0	0	1	0	6	23	0	0	0	0	0	0	0	0	0
216	0	0	0	3	3	1	0	0	0	0	0	0	2	3	1	0	0	0	0	0	0	0	0	0
208	0	0	0	0	0	1	0	0	3	2	0	0	0	0	0	2	1	0	0	0	0	0	0	0
200	0	0	4	0	1	0	1	0	2	1	0	0	0	2	2	0	3	0	0	0	0	0	0	0
192	0	0	0	0	0	3	0	1	5	1	0	0	0	0	0	0	3	0	0	0	0	0	0	0
184	0	0	2	0	2	0	0	13	0	6	2	0	8	2	0	0	0	0	0	0	0	0	0	0
176	0	0	0	5	0	1	2	4	3	4	1	0	0	1	0	0	0	0	0	0	0	0	0	0
168	0	4	0	4	6	0	2	0	1	1	1	1	1	0	2	7	2	0	0	0	0	0	0	0
160	3	0	27	6	0	0	2	2	17	23	1	0	2	3	3	0	0	0	0	0	0	0	0	0
Hwy 36	1	0	0	0	0	0	0	7	33	223	19	3	0	0	3	0	0	0	0	0	0	0	0	0
144 Rd	0	0	0	7	0	3	0	1	2	24	10	1	4	0	0	2	0	0	0	0	0	0	0	0
136 Rd	0	0	0	0	0	0	0	0	1	2	0	8	0	0	2	0	1	0	0	0	0	0	0	0
128 Rd	0	0	1	1	0	2	0	0	0	3	0	3	0	0	0	6	1	0	0	0	0	0	0	0
120 Rd	0	0	0	0	0	0	0	2	1	0	1	2	2	3	0	0	0	0	0	0	0	0	0	0
112 Rd	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	1	0	0	0	0	0	0	0
104 Rd	0	0	0	0	0	0	0	0	0	0	0	2	2	4	0	0	3	0	0	0	0	0	0	0
96	0	0	0	0	0	0	0	0	0	0	0	3	4	0	0	3	2	0	0	0	0	0	0	0
88	0	0	0	0	0	2	0	0	0	2	0	0	6	0	0	0	0	0	0	0	0	0	0	0
80	0	0	0	0	0	0	0	0	0	0	1	3	5	0	2	3	0	0	0	0	0	0	0	0
72	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0
64	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
56	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0
																			0	0	0	0	0	0
																			0	0	0	0	3	0

Detailed information (student-by-student plotting) available in XLS format. The XLS document provides traceability for all reported information, including each of the 49 students submitted by USD 113 in the original data sharing request. Note, 20 of the 49 students originally submitted by USD 113 live outside of the expected reporting area, with 17 of the 20 students living greater than 2 miles from area proposed for transfer, and one student living over 10 miles from the proposed transfer area.

**The map section shaded in yellow (section 2.13.7) has 5 USD 115 students that are in USD 113's territory and 3 USD 115 students that are in USD 115 territory.*

Exhibit C-1

Summary Travel Time and Distance Analysis

	Section Count		Grand Total	
Closest School	**Section 1.1 (Bern)**	**Section 1.2-1.3 (Goff)**	**All Sections**	**% of Total**
USD 115	50	13	63	71%
USD 113 or Equal Distance	15	1	16	18%
No Roads	10	0	10	11%
Total Sections	**75**	**14**	**89**	

Summary Information

The tables above summarizes how many sections of land are closer to relevant schools (USD 113 - Sabetha, and USD 115 - Nemaha Central). If the schools were equal distance apart, the count was documented as closer to USD 113. All travel times were collected from Google Maps and can be recreated. Refer to the Travel Time sheet in this workbook for detailed information about total travel time for each section.

Sheet Name	Description
Summary Page	Documents the number of land sections that are closer to the relevant schools (based on travel time from Google Maps).
Map View	Documents which school district is closer to the map section in a visual map format to enable broader understanding of travel times in the region.
Travel Time Analysis	Provides the travel time from each section to the relevant schools. All travel times were collected form Google Maps and can be recreated. If travel times were within 2 mins of one another, the travel time was recorded as "EQUAL" distance for each school.

Exhibit C-2

Map View

29	30	31		A Rd.	B Rd.	C Rd.	D Rd.	E Rd.	F Rd.	G Rd.	H Rd.	I Rd.	J Rd.	K Rd.	L Rd.	M Rd.	N Rd.	O Rd.	P Rd.	Q Rd.	R Rd.	S	T	U	V	W	X
			State Line	NMC	NMC	NMC	NMC	NMC	No Road	NMC	NMC	NMC	No Road	NMC	No Road	No Road	NMC	EQUAL	EQUAL									
			232 Rd.			NMC	NMC	NMC	No Road	NMC	NMC	NMC	No Road	NMC	No Road	NMC	NMC	NMC	EQUAL									
			224 Rd.				NMC					NMC	NMC	NMC	NMC	No Road	NMC	EQUAL	No Road									
			216 Rd.									NMC	NMC	NMC	NMC	NMC	NMC	EQUAL	EQUAL									
			208 Rd.										NMC	NMC	No Road	NMC	NMC	EQUAL	EQUAL									
			200 Rd.											NMC	NMC	NMC	NMC	NMC	EQUAL									
			192												NMC	NMC	NMC	EQUAL	EQUAL									
			184													NMC	NMC	NMC	EQUAL	EQUAL	SAB							SAB
			176															NMC	NMC	NMC	EQUAL							
			168																									
			160																									
			Hwy 36									NMC																
			144 Rd																		EQUAL							
			136 Rd																	NMC	NMC							
			128 Rd																NMC	NMC	NMC							
			120 Rd																NMC		NMC							
			112 Rd																									
			104 Rd																									
			96 Rd.															NMC	NMC									
			88 Rd.															NMC	NMC									
			80 Rd.															NMC	NMC									
			72 Rd.																									
			64 Rd.																									
			56 Rd.																									

**Travel time to Axtell Public Schools (located in the western portion of USD 113, west of A Road) is intentionally excluded from this Map View.*
According to Google Maps, the travel time to Axtell from A Road to F Road ranges from 20-23 mins. The travel time to Nemaha Central Schools from this section provides similar travel times (22-27 mins).
Additionally, when the "2-min" rule is applied (i.e. if travel times are within two minutes of each another, the travel times should be considered "Equal"), Axtel and NMC are "EQUAL" in 7 of the 9 sections in question (note - there are "no roads" in two sections, so they are not included in the count).

Exhibit C-3

Travel Time Analysis

	Travel Time (Mins)	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
State Line	USD 113 - Sabetha	41	39	37	35	34	No Road	33	31	29	No Road	25	No Road	No Road	25	23	21								
	USD 115	27	26	24	23	22	No Road	21	19	18	No Road	14	No Road	No Road	19	21	21								
232 Rd.	USD 113 - Sabetha			37	35	33	No Road	30	29	27	26	24	No Road	25	23	22	20								
	USD 115			22	22	20	No Road	19	17	16	14	13	No Road	16	18	19	20								
224 Rd.	USD 113 - Sabetha				39					28	26	24	24	No Road	21	20	No Road								
	USD 115				19					16	14	12	15	No Road	17	17	No Road								
216 Rd.	USD 113 - Sabetha									27	25	23	22	20	19	18	17								
	USD 115									14	13	11	13	14	14	16	17								
208 Rd.	USD 113 - Sabetha										26	24	No Road	23	21	19	18								
	USD 115										12	9	No Road	14	16	18	19								
200 Rd.	USD 113 - Sabetha											24	22	21	19	18	16								
	USD 115											9	11	12	14	15	17								
192 Rd.	USD 113 - Sabetha												20	23	26	19	17								
	USD 115												10	12	16	17	17								
184 Rd.	USD 113 - Sabetha													24	23	21	17	15	13						
	USD 115													11	12	14	17	14	16						SAB
176 Rd.	USD 113 - Sabetha															19	18	16	15						
	USD 115															12	15	13	15						
168 Rd.	USD 113 - Sabetha																								
	USD 115																								
160 Rd.	USD 113 - Sabetha																								
	USD 115																								
Hwy 36	USD 113 - Sabetha									NMC															
	USD 115																								
144 Rd.	USD 113 - Sabetha																								
	USD 115																								
136 Rd.	USD 113 - Sabetha																								
	USD 115																								
128 Rd.	USD 113 - Sabetha																		17						
	USD 115																		15						
120 Rd.	USD 113 - Sabetha																	17	19						
	USD 115																	13	15						
112 Rd.	USD 113 - Sabetha																20	18	21						
	USD 115																17	15	17						
104 Rd.	USD 113 - Sabetha																21		21						
	USD 115																17		17						
96 Rd.	USD 113 - Sabetha																								
	USD 115																								
88 Rd.	USD 113 - Sabetha															25	20								
	USD 115															17	16								
80 Rd.	USD 113 - Sabetha															26	24								
	USD 115															19	19								
72 Rd.	USD 113 - Sabetha															27	26								
	USD 115															20	21								
64 Rd.	USD 113 - Sabetha																								
	USD 115																								
56 Rd.	USD 113 - Sabetha																								
	USD 115																								

**Travel time to Axtell Public Schools (located in the western portion of USD 113, west of A Road) is intentionally excluded from this Map View. According to Google Maps, the travel time to Axtell from A Road to F Road ranges from 20-23 mins. The travel time to Nemaha Central Schools from this section provides similar travel times (22-27 mins). Additionally, when the "2-min" rule is applied (i.e. if travel times are within two minutes of each another, the travel times should be considered "Equal"), Axtel and NMC are "EQUAL" in 7 of the 9 sections in question (note - there are "no roads" in two sections, so they are not included in the count).*

All travel times recorded above were collected from Google Maps and can be recreated. Travel time records in "minutes" and was documented from the section intersection to each high school.

HO EXHIBIT
tabbies
11

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of the	)	
Petition to Transfer Territory	)	**File No. 24-PTT-01**
from USD 113 (Prairie Hills)	)	
to USD 115 (Nemaha Central)	)	

PETITIONER'S MOTION FOR ORAL ARGUMENT BEFORE THE STATE BOARD OF EDUCATION

COMES NOW Petitioner USD 115 (Nemaha Central) and respectfully requests the Kansas Board of Education ("State Board") grant oral argument by parties on USD 115's Petition for Land Transfer after submission of the hearing officer's report. In support thereof, the Petitioner submits the following:

INTRODUCTION

USD 115 (Nemaha Central) filed a Petition for Transfer of Territory pursuant to K.S.A. 72-532 on February 15, 2024. Respondent USD 113 (Prairie Hills) subsequently filed a Motion to Dismiss and Answer to the Petition. Petitioner has subsequently filed its Response to the Motion to Dismiss and Response to the Answer. The Petition is scheduled for hearing before a hearing officer in Bern, Kansas on March 22, 2024. Petitioner seeks oral argument in front of the State Board at its June 2024 meeting, or at such other time as may be ordered by the State Board, prior to a final vote by the Board regarding the matter of land transfer between USD 115 and USD 113, the subject of the Petition, the hearing officer's recommendations, and the complete written record.

ARGUMENTS AND AUTHORITIES

1. ***The Kansas State Board of Education has general administrative authority over Kansas schools and their districting.***

The elected Kansas State Board of Education receives its authority from the people of Kansas through the Kansas Constitution. See Ks. Const. Art. 6. The State Board of Education has "general supervision of public schools, educational institutions and all the educational interests of

the state..." Ks. Const. Art. 6 § 2(a). Additionally, the State Board of Education performs "such other duties as may be provided by law". *Id.* Providing the law, the Legislature outlines the State Board's authority in more detail in K.S.A. 72-243 through 263. Specifically, the general powers granted to the State Board are found in K.S.A. 72-255. Relevant to this case generally, K.S.A. 72-532 empowers the State Board to transfer school territory pursuant to law. And relevant to a particular portion of this case, K.S.A. 72-262 gives the State Board authority to appoint hearing officers.

Based upon its foundation in the Kansas Constitution, the authority of the State Board can only be seen as fundamental to the purpose and operation of the state. As educators, the Petitioners and Respondents are part of that fundamental function but disagree regarding the equitable allocation of resources in the region based on enrolled student trends and other factors. As such, their disagreement is being brought to the State Board for a resolution, as intended by K.S.A. 72-262. See Quinn Yeargain, *Shadow Districts*, 45 Cardozo L. Rev. 405, 467 (2023) (citing K.S.A. 72-262 and -263 as an example of statutes empowering a state board of education to serve as a tribunal for appeals of decisions made by local school boards.). USD 115 has petitioned the State Board to resolve the dispute lawfully and equitably.

2. ***Petitioner's case is particularly well-formed with detailed facts suitable for a precedential decision, so presentation of the Petition before the State Board, after presentation to a hearing officer, is fitting.***

Dating back to the early 1960's, there have been statutes authorizing the State Board of Education to appoint hearing officers and refer matters to those officers for hearing and reports. Today, that power is found in K.S.A. 72-262. The State Board may, for most matters, "appoint one or more hearing officers...to a particular hearing or to a set or class of hearings as specified by the state board of education in making such appointment." K.S.A. 72-262(a). And, "[a]ny matter determined by

the state board of education in accordance with this section shall be valid to the same extent as if the matter were fully heard by the state board of education without a hearing officer." K.S.A. 72-263. There is no requirement that the State Board appoint a hearing officer or rely solely on an appointed hearing officer's report of a hearing in making its determination regarding land transfer pursuant to K.S.A. 72-532.

Here, the State Board has appointed a hearing officer and a public hearing has been scheduled. Pursuant to the initial scheduling order in this matter, the hearing officer will produce a report of the hearing to the State Board at its May 2024 meeting, and consider and vote on the matter of land transfer at its June 2024 meeting, with the assistance of separate legal counsel for the State Board.

Petitioner respectfully requests oral argument before the State Board for two reasons. First, the facts supporting the Petition have been thoroughly gathered and meticulously arranged for presentation. Some cases have simple bases and simple facts. This case can be summarized simply as a land dispute between two school districts; a not uncommon occurrence. However, due to voluminous record including specific contested facts upon which the State Board will make its determination concerning this matter, Petitioner believes limited oral argument by the parties before the State Board will assist in narrowing the issues and factual disputes for State Board consideration, similar to a case on appeal before an appellate court. As such, Petitioner seeks the opportunity for parties to present "closing arguments" to the elected State Board.

Second, and perhaps more importantly, the determinations a consideration of factors before the State Board based on the Petition and land transfer dispute are matters of great public interest and statewide public policy. The State Board's decision in this case has the potential to set precedent in the state as guidance to other districts, future petitioning districts, and future review by the legislature and courts. Since the potential impact of a decision in this matter is of great magnitude, it is appropriate for the State Board to develop the best record possible before making

a decision. Oral argument by the parties will assist the State Board in narrowing the issues, resolving questions particularly relevant to individual considerations of State Board members, afford opportunity to Parties to clarify or object to findings of fact or conclusions of law by the hearing officer, and summarize voluminous records for the purpose of narrowing the State Board's consideration of the statutory factors informing land transfer decisions pursuant to K.S.A. 72-532(d). Additionally, oral argument will provide the State Board with the opportunity to ask clarifying questions regarding various possible alternative decisions of the board, including an "order either approving or disapproving such transfer petition or agreement, *or approving the same with such amendments as it deems appropriate*." *See* K.S.A. 72-532(e) (emphasis added). Oral arguments will assist the public in determining the precedential value of the nature of the board's deliberations in this matter and will inform public policy considerations in the years to come.

CONCLUSION

The Kansas State Board of Education has general authority over education and schools in the State of Kansas. It has specific statutory legal functions granted to it by the Legislature, including the authority to determine school districting borders, to conduct hearings, and make determinations on land transfer disputes between school districts. Based upon the specific facts gathered and the implications for statewide public policy of a decision in the petitioned matter, Petitioner respectfully moves the State Board of Education to allow for oral argument on the Petition, the hearing officer recommendations, and the complete written record, during the June 2024 scheduled meeting.

REQUEST FOR ORAL ARGUMENT (1 Hour)

Petitioner requests **one hour** for oral argument, with equal time given to Respondent.

Respectfully submitted,

KRIEGSHAUSER NEY LAW GROUP

By: /s/ Joshua A. Ney
Joshua A. Ney, KS Bar No. 24077
Ryan A. Kriegshauser, KS Bar No. 23942
15050 W. 138th St., Unit 4493
Olathe, KS 666063
Telephone: (785) 414-9065
josh@knlawgroup.com

ATTORNEYS FOR USD 115 (NEMAHA CENTRAL)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have filed and sent the foregoing **Petitioner's** Motion for Oral Argument via email and for e-filing to:

Scott Gordon, General Counsel
Office of General Counsel, State Department of Education
sgordon@ksde.org
KANSAS STATE BOARD OF EDUCATION

and a copy served by email to:

David Cooper, Attorney
Fisher Patterson Sayler & Smith, LLP
dcooper@fpsslaw.com
COUNSEL FOR USD 113 (PRAIRIE HILLS)

Chad D. Tenpenny
TENPENNY LAW LLC
chad@tenpennylaw.com
COUNSEL FOR USD 113 (PRAIRIE HILLS)

/s/ Joshua A. Ney
Joshua A. Ney, #24077

HO EXHIBIT
tabbies
12

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the matter of
Petition to Transfer
Territory from USD 113
to USD 115

File 24-PTT-01

Order Denying Petitioner's Motion for Oral Argument

This matter comes before the appointed hearing officer, R. Scott Gordon, on motion filed by USD 115 seeking 1 hour to present oral argument directly to the Kansas State Board of Education ("State Board") following its receipt of this hearing officer's recommendations. For the reasons stated below, the motion is denied.

On February 26th, 2024, a prehearing conference was convened by Zoom in this matter whereby both parties were represented by legal counsel. During the conference, deadlines for certain pleadings were provided as well as a summary of how a public hearing will be conducted either within or as close as reasonably possible to the territory to be transferred. It was explained that the public hearing is just that – an administrative hearing conducted by a hearing officer appointed by the State Board. It is not a trial and it is not taking place in front of the State Board.

A public hearing, as required by K.S.A. 72-532, is scheduled to take place on March 22, 2024. Notice of that public hearing has been published in newspapers of general circulation in the district from which the territory is to be transferred as well as in the state newspaper. Each party will be given 45 minutes – as requested by Petitioner – to summarize the arguments they've already set out in their respective pleadings. Each party may use that time as they see fit, including an opportunity to provide rebuttal and summation following public comments. Following the hearing each party will have the opportunity to submit proposed findings and/or other supplemental pleadings. The hearing officer will use all this information to provide a recommendation to the State Board of whether to grant the transfer of some, all, or none of the petitioned-for territory. This is the same process that has been used by the State Board in previous land transfer cases and it is the process recently approved by the State Board to conduct the pending land transfer case.

Petitioner now requests an extra opportunity to speak directly to the State Board following its receipt of this hearing officer's recommendation(s). Petitioner suggests that additional oral argument is appropriate because it presents a well-formed case that needs to be

summarized so the State Board can better understand it. Petitioner provides no rationale as to why this case is so different from previous cases for which a hearing officer has been appointed that the State Board should break its own precedent and change its process for conducting such hearings. Petitioner (and Respondent) will both have their day in court and will have the opportunity to be heard. Petitioner fails to provide any reason to believe the previously described process is insufficient or improper.

Petitioner further clarifies the desire to narrow "the issues and factual disputes for State Board consideration, similar to a case on appeal before the appellate court." There is no reason to believe the issues and factual disputes for State Board consideration can't be narrowed or explained to the hearing officer. The State Board has appointed a hearing officer to receive the parties' arguments, to rule on questions of law, and to manage such requests from the parties. Petitioner's representatives or other concerned individuals always have the opportunity to speak during the open forum portion of the State Board's meeting.

For these reasons, the motion for additional argument to the State Board is hereby denied.

IT IS SO ORDERED.

s:// R. Scott Gordon
R. Scott Gordon
Appointed Hearing Officer
Kansas State Board of
Education

Certification of Service

On March 22, 2024, I certify that I that I have sent the foregoing Prehearing Order via email to:

David Cooper, Counsel for USD 113
dcooper@fpsslaw.com

Chad D. Tenpenny, Counsel for USD 113
chad@tenpennylaw.com

Joshua A. Ney, Counsel for USD 113
josh@knlawgroup.com

s:// R. Scott Gordon
R. Scott Gordon
Appointed Hearing Officer
Kansas State Board of
Education

HO EXHIBIT
Exhibit 13

Cheryl D. Austin

From: Todd Evans > Sunday, March 3,
Sent: 2024 4:03 PM 113landtransfer
To: email for written testimony?
Subject:

Dear 113landtransfer@ksde.org, **I want to check with you to see if this email address will work for people to email written testimony about the proposed USD 115 land transfer (from USD 113). Will written testimony be made public? Thank you for any help you can provide.**

--

Preparing Kids, Shaping the Future
Todd Evans

Cheryl D. Austin

From: Jolene Holthaus [redacted]
Sent: Wednesday, March 6, 2024 10:01 AM
To: 113landtransfer
Subject: Land transfer

Hello, we are land owners in the 113 district. We totally support the land transfer to 115. We have had 80 some students from Bern area attending 115 for over 10 years. Bern was promised a land transfer , now it's time to do the right thing! Please do the right thing and transfer the land! 115 has been educating these students and they are a part of 115 now!
Thank you, Roger and Jolene Holthaus
Sent from my iPhone

Cheryl D. Austin

From: M Heiman [redacted]
Sent: Wednesday, March 6, 2024 2:23 PM
To: 113landtransfer
Subject: Please do not transfer land from USD 113 to USD 115

To whom it may concern,

Please do not choose to transfer land from USD 113 Prairie Hills to USD 115 Nemaha Central. The Seneca school was not interested in the Bern/Axtell/Summerfield district when they were asked to consolidate. Why are they now wanting that land? USD 113 was willing to negotiate, but USD 115 turned down the reasonable offer. Is USD 115 requesting this land now (over 10 years after the Bern consolidation) to help pay for their new building project? When USD 115 conducted a land survey, they did not contact everyone. Why weren't 100% of those who would be affected contacted by USD 115? USD 113 has been self sufficient and should not be penalized by USD 115's poor choices. Please keep USD 113's current territory as it is.

Sincerely,
Michaela Schultejans

Simpson Chiropractic

Dr. William T. Simpson
Doctor of Chiropractic

March 6, 2024

Kansas State Board of Education:

I am writing on behalf of USD 113 in its effort to dismiss the USD 115 petition that seeks to take a substantial amount of select land that is part of USD 113.

My concern is two-fold:

I. What happens if the petition is granted?
II. What happens if the petition is dismissed?

I. If granted:
   A. Other districts encouraged to seize land thereby creating more statewide chaos for the State Board.
   B. More threats of District disorganization to deal with
   C. Elevated anger and conflict between neighbors

II. If dismissed:
   A. Essentially, nothing happens
   B. Status Quo is maintained.

I appreciate the Board's service to our State Schools and eagerly await your decision.

William T. Simpson, D.C.

[redacted]

Cheryl D. Austin

From: Brett Lukert [redacted]
Sent: Thursday, March 7, 2024 1:14 PM
To: 113landtransfer
Subject: Sabetha Land

To whom it may concern,

My name is Brett Lukert. I am 50 years old, grew up in Sabetha, and have had 4 kids go through school in our district. I love our district, have had a great experience, and want to do everything I can to protect it. As you know, our district (113) has been attacked recently, and been misrepresented by false accusations with no factual evidence from surrounding districts, specifically regarding the land transfer. A couple points I want to make regarding this. Back in 2011, USD 442 (Seneca) chose not to consolidate with USD 448 (Bern, Axtell, Summerfield) when they were asked for help. USD 441 (Sabetha) on the other hand, was the only district in the area to reach out and throw USD 448 a lifeline and agree to consolidate with them. The consolidation was passed by a 61% majority vote and an overwhelming 82% of the USD 488 voters also approved of this consolidation in the election. I just think it's interesting (and unfortunate) that the Seneca district had no interest in getting involved and "helping" them until now, when they are suddenly making a claim to land that they now think belongs to them. I urge you to look at the big picture and see through this self-serving, unethical request and protect what rightfully belongs to USD113. Thank you for your consideration and time!

Brett Lukert

Cheryl D. Austin

From: G & L Scoby [redacted]
Sent: Thursday, March 7, 2024 2:39 PM
To: 113landtransfer
Subject: Written Testimony
Attachments: Leslie Scoby.pdf

Attached is my testimony for the Hearing on March 22 in Bern, KS.

Leslie Scoby

Leslie Scoby
USD 113, Bd Pres.
[redacted]

March 7, 2024

Kansas State Board of Education,

I am writing to encourage the dismissal of the USD 115 petition that seeks to take from USD 113 a substantial amount of land. There are portions of this petitioned land that have been in USD 113 for decades and there are many parcels in the petitioned area where students live who attend USD 113.

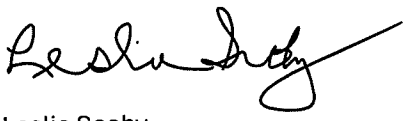
As a former teacher in USD 441/113, I am concerned because there will be further financial and emotional harm done to the patrons USD 113 if this proposed action is allowed. The closure of Wetmore and the resulting retaliatory initiatives of the Wetmore Community Action Association, a political action group, has led to this horrible disruption in the lives of people in local schools, and towns. It has caused problems between friends, neighbors and even between family members. There has been too much money spent on lawyer fees and there is a potential for the future loss of tax revenue. This is the result of a small group of persuasive people who have dredged up the past and caused a petition to be filed that, if valid, should have been filed years ago. There was opportunity to do so "after a recent change in circumstance," like the statute states.

Currently, I am serving my third term as a USD 113 Board of Education member, and I currently serve as President. Superintendent Todd Evans assisted and helped the BOE through a process of a school closure, which was initiated due to a ten-year pattern of consistent declining enrollment in the Wetmore school. The process was long and tedious and was not done for any reason other than the financial stability of the district. Mr. Evans spent countless hours helping us follow the laws set forth and there was not one thing left off or not complete in the process. It was comforting to know that the Wetmore students had several excellent options in school choice. Of course, we hoped that some would choose to come north to attend school in Sabetha as we have capacity and an excellent school system. On the record, it is reported that no Wetmore students chose Sabetha, but in the last eight years there were many families who made the decision to attend Sabetha from the southern portion of the district prior to the process of Wetmore closure. These families were interested in the expanded opportunities in academic, athletic, and extracurricular activities offered to the students in Sabetha. I also personally have spoken with most of the students who chose to attend the Sabetha schools when the Bern Attendance Center closed. In conversations with them, they shared that they believe the educational and extracurricular experiences they received by attending a larger school far outweighed what they would have had in the small school of Bern. USD 113 BOE also supported a plan to offer teaching positions to any Wetmore teacher who was interested. The teachers who made this decision have been assets to the students and to our district.

As a member of the Board of Education I have learned that most people do not want to seek a position as a board member because of the time commitment and responsibility. If this petition is passed, I believe wholeheartedly that this will become an even larger problem. I believe many would see it as a "name only" position that holds very little responsibility because local control will have been removed and taken away from board members.

It is time for life to return to normal. A vote to consolidate USD 441 and USD 448 led to the establishment of USD 113. Over 82% of the Bern voters supported this consolidation. But, very significant to this situation, an overwhelming 82% of USD 488 voters, which includes the majority of the petitioned area, approved the consolidation in an election on Tuesday, May 25, 2010. By dismissing this petition, you will uphold the decisions of the locally elected school board. Life can return to normal, and Mr. Evans can do the job we hired him to do instead of spending hours in meetings with lawyers. The good people in the area will move past this as time goes on. People on opposite sides of the issue will continue to attend church together, greet one another in public and some will see their children date children in those other towns. This is rural America. We are resilient and we genuinely care for others. This petition needs to be dismissed in its entirety.

I appreciate the Board's service to the schools in the state of Kansas and I ask you to be the voice of reason and stability.



Leslie Scoby,
President, USD 113 BOE

Cheryl D. Austin

From: Brandon Edelman [redacted]
Sent: Thursday, March 7, 2024 6:44 PM
To: 113landtransfer
Subject: USD 113 Land Transfer Written Testimony

We are writing to voice our support of USD 113 in the land transfer discussion. We live 2 miles east of the town of Bern and our 2 children attend USD 113 in Sabetha. As you know, USD 113 and USD 115 have disagreed on boundary lines in the Bern area. We feel that all land east of Bern should stay in USD 113. The vast majority of the kids that live east of Bern attend USD 113. East of Bern, approximately 20 kids attend Sabetha(USD 113) and only around 5 attend Nemaha Central (USD 115) In addition to this, there are several families in the Bern area that have young children (not yet school aged) that plan to send their kids to Sabetha. The land east of Bern should stay with USD 113. USD 113 made a fair offer to USD 115 of land west of Bern, and USD 115 did not accept that. Now USD 115 is trying to overreach into land further east. That is not fair!

We feel the land USD 113 originally offered to USD 115 was more than fair, and no additional land beyond that should be given to USD 115.

Thanks!

Brandon & Heidi Edelman

Cheryl D. Austin

From: Bud Keim [redacted]
Sent: Friday, March 8, 2024 10:47 AM
To: 113landtransfer
Cc: 'Bud Keim'; 'gina keim'
Subject: Support of USD 113
Attachments: 113 land transfer.docx

Attached is my written letter in support of Sabetha and Axtell.

Bud Keim, President

[redacted]

KEIM TS

We Make It Happen

900 SW Jackson St.
Topeka, KS 66612
113landtransfer@ksde.org

State Department of Educations Members,

My name is Nathanial Keim. I am tax payer in the USD 113 district and in support of schools from Sabetha and Axtell.

About a year ago, the board of USD 113 had to close the doors on Wetmore academic center. It was a decision that has left many divided in this district, and ultimately ended in giving some land away to a couple districts(USD 335 and USD 380) that accepted those students. The reason USD 113 gave that land away was because those districts absorbed many of the Wetmore students.

After the Wetmore closure, USD 115 inserts themselves, and files a wild claim that USD 113 land should be given to them, when only TWO students came from the affected region of closure. The petition that USD 115 filed was much of a joke. Only 1/3 of the petition was complete, and many of those contacted chose USD 115 as their school of choice. This stunt of a petition seems rather beneficial to USD 115 and therefore should invalidate this petition, altogether.

It was 10+ years(2012) ago when USD 442(Seneca) told USD 488(Bern, Summerfield, Axtell) they did not want to consolidate or accept those schools unless they closed. At that point, USD 488 contacted USD 441 for acceptance into the district, and the voters of both USD 488 and USD 441(Sabetha) vastly agreed to consolidate. Why did USD 115 not choose to seek a land transfer when the consolidation happened in 2012 or 2013? It seems that USD 115 could have filed a petition during that time, because there were some students that attended USD 115 from the newly formed USD 113 area.

Why would you ask USD 113 for land and give nothing in return 12 years later? This seems like a rather outlandish demand. One may think they need to pay for their recent bond issue of adding on to USD 115 schools, and receiving more taxpayer money may aid that cause.

We hear that USD 115 has 123 out of district students. That's great, but USD 113 also educates 123 out of district students. I bring this up because if this land is given to USD 115 by members of this state board, other districts may start petitioning land, therefore complicating and making this situation unpredictable in the future.

State Board, USD 113 has come to the table and offered solutions to USD 115 with no consideration of a trade. This whole thing started by USD 115 as a land transfer has been anything but... it's become a land grab for them. I'm asking that you dismiss this petition and even this whole hearing from happening.

Regards,

Nathanial Keim
Sabetha, KS

Cheryl D. Austin

From: Edelman, Dwight [redacted]
Sent: Friday, March 8, 2024 2:48 PM
To: 113landtransfer
Subject: Land transfer concern

Dear Kansas Dept of Education,

I am a concerned citizen of the Sabetha School district 113. While I do not have kids in school any longer, I do represent a need for good education in our community as we need them in our future work force. As I watch the last 10 plus yrs. unfold with our elected school board doing what they were supposed to do by challenging the financial situation that these inherited schools were facing and the burden they were putting on the USD 113 education system, it is amazing anyone would want to even do the job. They were put in an unpopular situation that was going to leave some people unhappy somewhere and no way around it. And as it turns out, it is not even the kids that were moved to larger schools and more opportunities that are unhappy. It is the past generations that were taking this to extremes. The School Board had to do what they had to do to protect the future of the district as they were not going to stand on their own. The board oversaw giving all the kids in the district a sustainable education so they could have a sustainable future and that meant closing the schools that were overburdening the system.

These processes have also taken an enormous toll on our governing body playing a defensive role and keeping what is ours and belongs to USD 113 vs improving our education system where they should be focused. We are so thankful for those elected officials and our superintendent to stand up and fight even at the cost of missed opportunities to better educate the kids.

This land transfer situation we are concerned about has exposed itself because our elected board did what was right and what other neighboring districts did not want to tackle. Many of them I expect paid for this in business dealings that were threatened because of it which is unfortunate. The land transfer was not even on the table at the time the decision was made to close the schools and is part of the follow-up process to do what is fair and equitable to the other districts based on the number of kids that were taken due to the latest closing of the Wetmore school.

Unfortunately, USD 115, saw this as an opportunity to simply do a quick land grab without any downside to do so. Who can blame them for doing it. However, it is not supported by the kids that were transferred due to the latest developments of Wetmore Closure. If the land transfer was to be done for the Bern Closure, then that should have taken place in that time frame and not exposed now but they didn't want the responsibility, the kids, or the land at that time most likely because they knew the hard decisions that were going to have to be made as some time soon.

We are now faced with this issue of setting presidents that the State will have to continue unfolding should this be approved. It will be strongly encouraged that we also look at boundaries as our area is already taxed enough and we will need to find an avenue that gets us the dollars needed to run a sustainable education for our kids at USD 113.

My suggest is to dismiss this pandoras box before it gets a chance to mature as I assure you many districts in Kansas are watching this unfold and I would suspect this is not the best use of your time either. It is nonsense and just a land grab exercise without merit. There is nothing that is earned and has only cost time and money that could and should be spent on educating our kids.

Let's let the competition of the many exciting games be played by our kids in competitive sports which has we expect will continue to create some very good and exciting games vs making it a competition in an adult board room where it pins district against district in an unhealthy way that will see no boundaries. We should all be excited to see everyone be successful in all districts so in the end our kids can be the winners we need them to be by starting their challenging life journey with a solid education and a seed that will flourish in the large world around us. Our future work force needs depend on it.

Thank you for your time,

Dwight Edelman
Executive Director of Operations

[redacted]

we make processes work

Cheryl D. Austin

From: Loretta Buser [redacted]
Sent: Friday, March 8, 2024 3:04 PM
To: 113landtransfer
Subject: USD 113 Land Transfer

> Good Afternoon,
> I am a resident of Sabetha, Kansas and I am in the USD 113 School District. I am writing this letter to plead with you to not let the USD 115 Land Petition be approved.
> USD 113 and USD 115 have the exact number of out of district students attending their respective schools. There has always been a rivalry between Seneca and Sabetha. It goes way back to when I was in high school almost 40 years ago. I would hope this is not a personal vendetta for USD 115 against USD 113 to make us suffer. I would also hope USD 115 is not using this as a way to pay for the new construction on their school.
> One argument patrons in the Bern area may have is that they don't believe they have an opportunity to serve on the school board or have their voices heard. I am the President of our SHS Booster Club and the President of our SHS After Prom. There are many, many opportunities to serve in some capacity. We are always looking for volunteers and Board Members to help participate in making decisions for USD 113 students.
> If this land transfer swings in the favor of USD 115, it could open Pandora's Box across the State of Kansas. How many more land grabs will happen and how much time and money will be spent needlessly in hearings?
> I earnestly implore you to deny USD 115's petition of land from USD 113. Thank you for serving the Students, Teachers, and Staff in Schools across the State of Kansas. You are appreciated!
> Loretta Buser

Cheryl D. Austin

From: Joshua Meyer [redacted]
Sent: Friday, March 8, 2024 3:20 PM
To: 113landtransfer
Subject: USD 113/115 land transfer

I would like to weigh in on the land transfer petition from the Bern, Ks. area. I was involved with the school consolidation with Sabetha when it happened. We (former USD 488) were not doing well financially. We asked about joining Seneca and Sabetha. Seneca school board said they were open to consolidate but would not keep our Bern school open. Sabetha told us they would get 5 years guaranteed funding and so we could keep our school open that long and if we weren't able to fund ourselves it would close at that time. Many of us were at least hopeful that we could get student numbers up enough to get along longer. Our school was closed after the second year. If that's what they had told us the vote to consolidate would never have passed and we would not have been part of USD 113 in the first place.
I have 3 children, 2 in school and my youngest will be next year. They go to Seneca for many reasons but my property tax dollars all go to Sabetha. This has been the case for so many friends and neighbors fo many years now. Please help us get this situation straightened out. Our school (Nemaha Central) has been great to us but they have been getting ripped off educating our children without getting any funding support from us.
Please help,
Joshua Meyer
Bern Ks.
[redacted]

Cheryl D. Austin

From: Christian Tramp [redacted]
Sent: Friday, March 8, 2024 3:48 PM
To: 113landtransfer
Subject: Letter opposing the 115 Petition
Attachments: USD 115 Petition Dismissal letter.pdf

Please see the attached letter in .pdf format.
Thank you.
Chris Tramp

Christian R. Tramp, MD

[redacted]

March 8, 2024

Mr. Scott Gordon and members of the Kansas State Board of Education:

We are writing to you on behalf of the students and constituents of USD 113. We parent three students attending school in the district and are proud alumni of Sabetha schools. As a family we are thoroughly involved in numerous academic, athletic and social activities provided to us by this district.

We are extremely opposed to the Petition for Land Transfer put forth by USD 115 and we strongly support the Motion to Dismiss the Petition presented to you by USD 113 in opposition to that.

This is a superfluous pursuit by USD 115 and only serves to benefit that district financially while harming USD 113 and the Kansas state taxpayers. The financial and logistical arguments for not granting the requested land transfer are of sound reason and are clearly outlined by the board of USD 113. From a non-financial viewpoint, if this land transfer is granted it will seed a dangerous precedent that could fuel other controversial and chaotic land grab arguments between competing districts across the state.

Furthermore, and most importantly, this petition will have a negative impact on the students of USD 113 and future viability of the district. The students presently enrolled in this district deserve to continue their tax funded, quality education without the detrimental and unnecessary impact of boundary upheaval from a neighboring district attempting to exploit the fluid nature of building closure and land reassignment.

Please dismiss the unreasonable Petition for Land Transfer requested by USD 115.

Thank you for your time and attention to this very important matter.

Sincerely,

Kara C. Tramp

Dr. Chris Tramp & Mrs. Kara Tramp

Cheryl D. Austin

From: Kathy Simpson [redacted]
Sent: Friday, March 8, 2024 4:13 PM
To: 113landtransfer
Subject: Fwd: USD 113 Land Transfer

Sent from my iPhone

Begin forwarded message:

From: Kathy Simpson [redacted]
Date: March 8, 2024 at 3:20:12 PM CST
To: Kathy Simpson [redacted]
Subject: USD 113 Land Transfer

To Kansas State Board of Education:

Over the past many months I have witnessed the diligence, good character and fortitude of the USD #113 school board and especially of the Superintendent, Todd Evans. The many hours they have spent with the working and re-working of the figures in closing of the Wetmore school (not an easy decision for anyone), threats of a petition to disband USD #113 and now patrons in USD #115 have requested more land be transferred to them after USD #113 closed the schools in the town of BERN in 2013. Land that comes as far as up to our city limits.

I know our School board has many decisions to make throughout their terms and are expected to do so, but the land transfer issue again has tied them up as well as countless hours by our superintendent. Hours which could be put to use focusing on the education of the children of USD #113. If the land transfer would go through I can't imagine the headaches, hours spent, enemies made of neighbors and so forth that would spread like wildfire across our state as other schools join in the same idea.

Please consider dismissing the petition of the land transfer and thereby restoring some sense of peace and normalcy to our districts.

Most sincerely,

Kathy Simpson

Sent from my iPad

Cheryl D. Austin

From: Karen Mosteller [redacted]
Sent: Saturday, March 9, 2024 9:13 AM
To: 113landtransfer
Subject: reasons for land transfer

My family cannot be fully involved within OUR school system at USD 115 because we live out of district. My son and daughter-in-law live 9 miles from Seneca and 19 miles from Sabetha. They both work in Seneca and it is our "go to" town for groceries and other supplies.
We were not allowed a voice in the decision to expand the school nor are we able to vote for school board members at USD 115.
Bern has experienced numerous **failed promises** from USD 113. During several meetings during consolidation talks and school closing meetings, we were told that the land could follow the students. That has not happened, even though over 70 Bern students have annually attended USD 115. After the closure of the Bern School, several attempts were made to initiate dialog with USD 113 regarding the transfer of land, but our requests were stonewalled by the school board.
Families who have chosen to go to Seneca over the past years are not going to change their minds. We would like very much to support our school with our taxes and our total involvement, with the ability to vote on issues that are a concern to us and our children.
By using the collected data and overwhelming evidence, an equitable line can be drawn to reflect the desires of the majority of land owners and USD 115 patrons in and around Bern. It does not have to be an "All or nothing" proposition. I have been told that Mr. Evans and several of the Sabetha school board members admit that property taxes make up very little of the school budget.
Recently I read in the Sabetha Herald that Mr. Evans admitted that "if the State Board of Education approves USD 115's petition, Prairie Hills will not experience a large loss of enrollment and will experience only short-term financial fluctuations,"
Thank you for your time and effort to resolve the long overdue injustice.
Karen Mosteller

March 9, 2024

Kansas State Board of Education:

As a resident of Sabetha, Kansas and USD113, I am writing to request that you dismiss the land acquisition petition filed against us by USD 115.

Our district boundaries were established in 2013 and have functioned fully and without land and boundary disputes for well over 10 years. It seems logical to use that if there was a legitimate chance to land it would have been filed years ago.

I fear that granting this ill-conceived petition will create never before seen levels of anger and animosity amongst neighbors. Furthermore it will open a Pandora's Box of filings and petitions from other districts seeking land grab acquisitions from neighboring districts.

I do not envy your position but I do request that you choose to deny the petition and thereby restore some semblance of sanity to our districts.

Sincerely,

Brandi Edelman

Cheryl D. Austin

From: William Kent [redacted]
Sent: Saturday, March 9, 2024 9:43 AM
To: 113landtransfer
Subject: Public Meeting Comments
Attachments: Land Transfer Letter.odt

To the Office of the General Counsel:

Attached please find letter of comment for public meeting on land transfer petition from USD 115

W. Kent
Sabetha

Office of the General Counsel
Kansas State Department of Education
900 SW Jackson
Topeka, KS 66612

Re: USD 115 Land Transfer Petition

To the General Counsel :

I am writing this letter out of concern for the future of USD 113 and the students and staff thereof. I am a patron of the USD 113, a former USD 441/113 classroom teacher, and a resident of the Sabetha community for 46 years. I understand, as do most people in the towns and rural areas of Kansas, just how important to small communities their schools are, and how the identity of those communities is intertwined with the schools within those communities.

When the state legislature began to push for further consolidation of small school districts in Kansas in 2009, the USD 488 BOE in Bern, Axtell and Summerfield began to search for neighboring districts with whom they could consolidate. Upon approaching USD 442 (Nemaha Valley – Seneca) with a request for consolidation, they were rebuffed. USD 441 and USD 488 then consolidated to form USD 113. I was teaching in Sabetha at that time and witnessed first hand the acceptance and respect that students from both of the old districts had for one another. It was, in my observation at least, a seamless transition in the midst of an incredibly wrenching time for the Bern community. T he eventual result was a stronger district. This proposed petition would only serve to open old wounds and adversely impact the 113 district and communities both financially and educationally.

My question is this: why after all these years, and the opportunity for the landowners in the area in question to petition for transfer in 2013, is USD 115 petitioning now after ten plus years? Does it have anything to do with the passing of a large bond issue to add to the facilities in Seneca and get those living in the USD 113 district to fund the cost of retiring that bond?

Without stooping to conspiracy theories or wild rumors, and not claiming to speak for anyone but myself, I still must point how it appears to some of us living in USD 113. The bitter divisions present when the USD 113 BOE closed the Wetmore Attendance Center remain alive. Could it be that, there is discord being sown in other communities to bring USD 113 to its knees? It gives the impression, rightly or wrongly, that there is a move afoot to (using a schoolyard playground term) "pile on Sabetha."

The USD 113 BOE has acted in what I believe is an upright and appropriate manner, in their dealings with the whole consolidation/land transfer situation, going back a number of years. I implicitly believe that Mr. Evans and the 113 board have sought to do the right thing for the students, patrons and schools of the district, and I salute them for their efforts.

Sabetha and Seneca have enjoyed a fierce, but respectful sports rivalry for decades. That is where the fierceness and rivalry should stay. We must not allow outsiders with an axe to grind to sow discord and foment bitterness and division that will exist for decades. If we do, it will adversely impact the financial and educational climate of the district for years. The democratic process of elections has been followed properly, and the voters spoke in 2010 when USD 488 and 441 consolidated. It is time to let that vote of the people of both districts stand.

Now is not the time, years later, to reverse that vote and further remove local control. I respectfully ask that the petition be denied. The voters spoke years ago, and it is time to move ahead, and let the administrations of both districts again devote their full attention to the task at hand, providing the best education possible for our youth.

Sincerely,

William M. Kent

[redacted]

Cheryl D. Austin

From: Jeff Tyler [redacted]
Sent: Saturday, March 9, 2024 9:56 AM
To: 113landtransfer
Subject: USD 113 Land transfer

To whom it may concern,
I have been a resident of Nemaha County Kansas my entire life. I am going to address you in a different light than other communications on this matter you are receiving. As many others in USD 113, we all have friends and family that reside in USD 115. I farm and do business in Seneca. I have discussed this petition with residents of Seneca and fellow farmers that farm and live in the USD 115 school district. I have yet to speak to someone from that area of the county that is for transferring land out of USD 113 school district to USD 115. As far as the survey, no farmer I spoke to was surveyed.
So, my question to the USD 115 school board would be, why are you doing this if your constituents are against it? The USD 115 school board is trying to change something that has no valid reason to be changed. As a farmer from USD 115 said, it's basically a once in a lifetime land grab that his school board is trying to pull off. Surely the KSDE doesn't want to set a precedent of school districts changing district lines as they please. THAT IS NOT WHAT LOCAL SCHOOL BOARDS ARE DESIGNED TO DO. Please think about the ramifications of redrawing district lines. It is not what is best for Kansas schools.
Sincerely,
Jeff Tyler
[redacted]

Cheryl D. Austin

From: Paul Kaeb [redacted]
Sent: Saturday, March 9, 2024 7:10 PM
To: 113landtransfer
Subject: Fwd: Regards to the land transfer of USD113

>>>> Dear State School Board Members
>>>> As a local business owner, with employees from both communities in Nemaha County and as a county resident I oppose a land transfer. Especially since the consolidation was in 2010, why now after 14 years would anything need to change and disrupt the unity that we have between the districts. My point to the State School Board, This is something that should not be supported because of outside opinions that are making this an issue now by bringing this up to General Counsel and on to the State School Board. Putting our community at odds is never a good thing.
>>>> Again we have employees from surrounding communities and pitting one community against another is a determent for all of us, especially in Seneca and Sabetha Communities. It also is important that the focus is on our children and grandchildren's education.
>>>> I could bringing up many other reason as stated in District 113 comments already shared.
>>>> Thanks for how you all serve our youth and our community, as a business owner in Nemaha county, it concerns me when changes to our tax bases start to change between school district's.
>>>> Paul Kaeb
>>>> Nemaha County, KS
>>>> Business Owner

TO: Kansas State Department of Education
C/O Scott Gordon, General Counsel
RE: USD 113 Land Transfer

I request that this letter and all its contents remain confidential.

My name is Briana Evans, and I am a parent of a student in the USD 113 Prairie Hills school district. I am writing this to address the petition submitted by USD 115 Nemaha Central for land currently in the Prairie Hills district.

I am opposed to the petition, and I believe it should be dismissed on the following grounds:

1. Choices. USD 115 (formerly USD 442) chose not to consolidate with the former USD 488 district. After people disgruntled with the Wetmore closure created a "David and Goliath" narrative and solicited support from neighboring districts using various forms of propaganda, now, NC wants something, too? Many years after the initial choice was made? The "motive" does not align with KSDE guidelines for land transfer.
2. Democratic process. When the vote was put to the people in 2010, 82% of USD 488 voters and 61% of USD 441 voters voted in favor of the consolidation. If USD 115 can file a petition 10+ years later because they suddenly do not like the results of the election, what is the purpose of the democratic process?
3. Precedent. If this petition is considered at all, what consequences will surface throughout our state?
4. Contents of the petition. If 2/3 of the population in the questionable area was not reached through the survey, are the "results" reliable? Valid? If I did 1/3 of my job, I would be fired.
5. Higher taxes. If the valuation of land is transferred to (the wealthy) USD 115 from USD 113, the Kansas taxpayers will pay more to USD 113 in equalization state aid.
6. Open enrollment. With the capacity element of enrollment effective in 2024-2025 and NC already denying ten students, what is the *real* purpose of the land transfer?

The process of closing Wetmore was a long, exhausting, expensive process and the saga continues with this petition. Dismiss the petition—the six points above support this—and let USD 113 get back to educating students.

Sincerely,

Briana Evans

My name is Kalvin Evans and I am a student in my senior year at Sabetha High School in USD 113. I am writing concerning the petition submitted by USD 115 Nemaha Central requesting a portion of land in USD 113. I am opposed to this petition for a number of reasons, but I wanted to particularly address the pieces of the law that this petition breaks.

In order for a land transfer to occur, the Kansas State Board of Education's guidelines for land transfer states that "a material change in circumstances of a substantial and weighty nature must exist." The only recent thing that could remotely be considered a significant circumstantial change for USD 115 is the closure of Wetmore. However, only two students that attended Wetmore prior to its closure now attend Nemaha Central, the equivalent of a small family with two children moving to the area. With no significant change in circumstances, USD 115's petition has no merit.

Moreover, the guidelines for land transfer say that the ultimate consideration in determining whether to grant a land transfer request must include "...whether the transfer would add to the general improvement of the public schools in the state and the equalization of the benefits and burdens of education throughout the affected communities." If this guideline is thoroughly considered in our current land transfer situation, then the petition would be dismissed. This is because Nemaha Central, a wealthy district that receives no state aid through the state's equalization fund, would grow richer because of the land transfer while USD 113, a poorer district that receives state aid through the state's equalization fund, would grow poorer. Thus, Kansas taxpayers would have to pay for more aid to USD 113 at the sole benefit of USD 115. This would certainly not add to the equalization of the benefits and burdens of education through the affected communities. USD 115 would benefit at the expense to Kansas taxpayers who already pay to aid USD 113.

The case for USD 113 is much more extensive than these two points, yet each of these points on their own should be enough to dismiss USD 115's petition. Thank you for hearing my concern.

Kalvin Evans

Cheryl D. Austin

From: Brian Voos [redacted]
Sent: Saturday, March 9, 2024 8:17 PM
To: 113landtransfer
Subject: Request to Dismiss USD 115 Land Petition

Dear Kansas State Department of Education,

We are residents of Sabetha, KS in USD 113. After reviewing the petition from USD 115 to acquire additional land from USD 113, we strongly urge the Kansas State Board of Education to dismiss this petition. USD 113 superintendent Mr. Todd Evans, has put together excellent points and reasons for this petition to be dismissed. Most notably, we believe there is no qualifying reason for this petition at this time. It seems irresponsible and, at best, cumbersome for any district to file petitions for land from any district at any time. Additionally, the current district land for 113 and 115 has been in place for many years and 115 had opportunities in the past during the USD 488 consolidation with USD 113 in 2011, and they chose not to petition at that time. Additionally, the land owner survey was not conclusive, and it appears there is a fairly equal number of students that reside in the land in question attending both districts along with equidistant geographical distances between schools. Additionally, it was very disappointing that USD 115 was not willing to negotiate for "trading" some land recently with USD 113. This could have been worked out in a very reasonable and equitable manner at the local level, and USD 115 chose to pursue an unreasonable petition making local negotiation impossible.

Thank you for your consideration and hard work on this issue. These matters are always difficult and emotional. We trust the elected Board of Education of the State of Kansas to make wise and prudent decisions. Again, thank you for your service to our state and for your consideration to dismiss the USD 115 petition for land in the USD 113 district.

Sincerely,

Brian and Jennifer Voos
Sabetha, KS

Cheryl D. Austin

From: Anthony & Randi Schmid [redacted]
Sent: Monday, March 11, 2024 8:06 AM
To: 113landtransfer
Subject: USD 113 land transfer

To the Kansas State Board of Education,
This correspondence is in regards to the USD 113 and USD 115 land transfer petition situation. I won't pretend to understand the entire history between these districts because it was prior to my moving here. However, I understand consolidation, coming from central Nebraska where that is fairly normal. I lived under rumors of consolidation for my own school and around many other schools which were consolidated (Sumner-Eddyville-Miller, Greely-Wolbach, Wilcox-Hildreth, to name a few). I've never seen a consolidation be so ugly as the ones in this area (Bern, which still runs hot with some people over a decade later and, more recently, Wetmore), especially when it comes down to viability.
To the current pressing issue, however, is more what I want to write on. As I understand it, in 2011, USD 442 (Seneca aka Nemaha Valley..currently known as USD 115) chose to not consolidate with USD 488 (Bern/Axtell/Summerfield). That was their right (and probably had something to do with viability...). I've read that an 82% of USD 488 voters, which includes the majority of the petitioned area approved the consolidation in an election on Tuesday, May 25, 2010. That's a large majority. At that time, they did not petition for any land despite accepting out of district students from the closure of Bern.
Even in 2013, USD 115 (Seneca) chose to not pursue a petition to the KS State Board of Education in 2013 when the USD 113 Board of Ed denied their petition for land. Yet now, over a decade after that situation, they are asking for land (and a good chunk of it with a LOT of money in valuation).
With that said, USD 441 (Sabetha) chose to consolidate with USD 488 (Axtell/Bern/Summerfield). With that consolidation, we took responsibility for those students within our drawn district lines. USD 113 also opens doors for many out of district students. My family lived out of the district when we first considered sending our oldest son to preschool in Sabetha. I wrote a letter to the school board to ask permission to have him attend USD 113 with me transporting him until we could move into the district. They read it and approved it with no further exploration or consideration of the cost to them. I pick up my kids from school every day along with families from Nebraska and Hiawatha. Our school board considers the cost of operation but not without the consideration of what's best for students (not even those outside of our district line responsibility).
I see, also, that USD 115 (Seneca) also schools out of district students, but that they have turned away some requests. I don't know their reasoning but that does bring into question whether they would have the room for students in the petitioned land areas (and if they do, where does that leave out of district students who have gone there for years but don't live in those areas? Would their requests now be denied for lack of room?). I recently drove by USD 115 and saw their building project, so perhaps the lack of room is being fixed.
USD 113 serves many out of district students (as does USD 115). If this petition is granted, what other land grabs will follow? It does seem to open the proverbial can of worms for the State Board of Education to deal with. While land is important to school districts, I want my state BOE to be dealing with matters of education more than politics (perhaps that is naive because I'm sure your jobs involve a lot more politics than the constituent realizes). Granting this petition has the potential to allow other land petitions. I could see that taking a lot of your time when your time is valuable and more in line with deciding educational issues than land issues.

Thank you for your time, for this channel to be heard, and for serving our state and students on the board.

Sincerely,
Randi Schmid
--

-Anthony, Randi, Tristan, Isaac, Charlotte, & Brook
But as for me and my house, we will serve the LORD.
- Joshua 24:15

Leslie Scoby
USD 113, Bd Pres.
[redacted]

March 7, 2024

Kansas State Board of Education,

I am writing to encourage the dismissal of the USD 115 petition that seeks to take from USD 113 a substantial amount of land. There are portions of this petitioned land that have been in USD 113 for decades and there are many parcels in the petitioned area where students live who attend USD 113.

As a former teacher in USD 441/113, I am concerned because there will be further financial and emotional harm done to the patrons USD 113 if this proposed action is allowed. The closure of Wetmore and the resulting retaliatory initiatives of the Wetmore Community Action Association, a political action group, has led to this horrible disruption in the lives of people in local schools, and towns. It has caused problems between friends, neighbors and even between family members. There has been too much money spent on lawyer fees and there is a potential for the future loss of tax revenue. This is the result of a small group of persuasive people who have dredged up the past and caused a petition to be filed that, if valid, should have been filed years ago. There was opportunity to do so "after a recent change in circumstance," like the statute states.

Currently, I am serving my third term as a USD 113 Board of Education member, and I currently serve as President. Superintendent Todd Evans assisted and helped the BOE through a process of a school closure, which was initiated due to a ten-year pattern of consistent declining enrollment in the Wetmore school. The process was long and tedious and was not done for any reason other than the financial stability of the district. Mr. Evans spent countless hours helping us follow the laws set forth and there was not one thing left off or not complete in the process. It was comforting to know that the Wetmore students had several excellent options in school choice. Of course, we hoped that some would choose to come north to attend school in Sabetha as we have capacity and an excellent school system. On the record, it is reported that no Wetmore students chose Sabetha, but in the last eight to ten years there were many families who made the decision to attend Sabetha from the southern portion of the district prior to the process of Wetmore closure. These families were interested in the expanded opportunities in academic, athletic, and extracurricular activities offered to the students in Sabetha. I also personally have spoken with most of the students who chose to attend the Sabetha schools when the Bern Attendance Center closed. In conversations with them, they shared that they believe the educational and extracurricular experiences they received by attending a larger school far outweighed what they would have had in the small school of Bern. USD 113 BOE also supported a plan to offer teaching positions to any Wetmore teacher who was interested. The teachers who made this decision have been assets to the students and to our district.

Cheryl D. Austin

From: rosemary sudbeck [redacted]
Sent: Monday, March 11, 2024 12:01 PM
To: 113landtransfer
Subject: Hearing Officer Scott Gordon

March 11,2024

Kansas State Department of Education
Office of General Counsel
900 SW Jackson Street
Topeka, Kansas 66612

Mr. Gordon

My name is Rose Mary Sudbeck. I am the Trustee of the Larry J and Rose Mary Sudbeck Revocable Trust. I own ground that borders U.S.D. 115 on the north and east. At this time I would like to request that all ground owned by the trust in Nemaha township, Nemaha County Kansas be transferred to U.SD. 115.

Geographically the ground is located 5 to 6 miles northeast of Seneca, Kansas, on Highway 63, and the majority of my
business is done in Seneca, Kansas.

At this time I have grandchildren who are attending Nemaha Central grade and high school without any type of representation in U.S.D. 115 district.

When Bern Schools closed in 2012 the patrons were told the land would follow the students. Most of the children are already attending and some will soon graduate from U.S.D. 115 without having any type of representation.

Within a year of U.S.D.113 closing the Wetmore Attendance Center in Wetmore, Kansas, U.S.D. 113 has agreed to transfer land to U.S.D.335 Jackson Heights.

Again I would like to request that all land in Nemaha township, Nemaha County Kansas in the the Trust of Larry J. and Rose Mary Sudbeck Trust be transferred to U.S.D. 115

Respectfully yours,
Rose Mary Sudbeck, Trustee Of the Larry J and Rose Mary Sudbeck Revocable Trust

Cheryl D. Austin

From: Karen Heiniger [redacted]
Sent: Monday, March 11, 2024 6:40 PM
To: 113landtransfer
Subject: USD 113

To whom it may concern:
I am writing you regarding the land transfer issue that is currently affecting our community.
After 12 years USD 115 has suddenly decided that they now want the land that belongs to USD 113. When the community of Bern knew that they were in trouble with their school they first asked USD 115 if they would consider consolidation. USD 115 said NO. Now they change their mind. Is there no statute of limitations that school districts have to go by? Will this allow more schools to go after other schools land?
I hope that you will consider the future of all Kansas children and how this will affect each school district when faced with tough decisions.
Thank you for your time regarding this issue.
Karen Heiniger
Sent from my iPhone

Cheryl D. Austin

From: Maria Edelman [redacted]
Sent: Monday, March 11, 2024 7:15 PM
To: 113landtransfer
Subject: USD113 Land Transfer

Kansas State Board of Education Members,

My family and I live and own land within the USD 113 portion of land that is being petitioned to transfer to USD 115. We live east of O Road and actually live closer to Sabetha. Our kids attend USD 113, and will continue to. There are numerous families around us in the same situation. Some have kids currently attending USD 113 and some have kids younger than school-age but they also plan to send their kids to USD 113 due to proximity.

It saddens me that this issue has been taken as far as it has -- a land transfer petition to the State. I believe that decisions regarding consolidation and school closures should remain at the local level.

I ask that you please dismiss this land transfer petition by USD 115 and honor local control of education.

Sincerely,
Jeff and Maria Edelman

Cheryl D. Austin

From: Dennis Stones [redacted]
Sent: Monday, March 11, 2024 8:38 PM
To: 113landtransfer
Subject: Opposed to 113 land transfer
Attachments: Testimony on the petition from USD 115 Nemaha Central School District to take land from USD 113 3.11.24.docx

This is my testimony in opposition of USD 113 land transfer. Please let me know one if you receive this email. I want to make sure I have the correct email address.

Thank you
Dennis Stones

Testimony on the petition from USD 115 Nemaha Central School District to take land from USD 113

Presented by Dennis R. Stones, Retired Superintendent of USD 441/113

March 11, 2024

I am writing to voice my opposition to transferring land from Prairie Hills USD 113 for the following reasons.

1. The main reason the old USD 441 (now USD 113) Board of Education decided to enter into a consolidation agreement with USD 488 (Bern, Axtell, and Summerfield), **when B&B USD 451 and Seneca USD 442/115 turned down USD 488's request**, was because USD 441 felt strongly it was the right thing to do for all students. **USD 441/113 has always been about educating all students that come to the district.**

   Reportedly, USD 115 has denied enrollment to 10 students this year.

2. When USD 488 approached USD 441, USD 441 was told at that time the district could financially remain open one and maybe two years if they spent all carryover funds. USD 488 wanted to try to consolidate with a district while they still had something to bring to the table. USD 441 was told that all USD 488 wanted was a chance. **In summary, the very relevant issue that needs to be emphasized is the USD 488 district patrons overwhelming voted to consolidate with USD 441 knowing they were experiencing financial difficulties and may not be able to continue as a district more than one or two more years if they used all their carryover funds.**

3. After a year, it was evident the student numbers were decreasing in the Bern facility, and the USD 113 Board of Education decided it was time to consolidate buildings and cut overhead on two buildings. The decision was made to close the Bern K-12 facility and bring them to Sabetha and close the Summerfield elementary school and send them to Axtell. This decision caused a reduction in staff as well as administrators.

Bern students have been attending USD 113 or USD 115 since the closure of the Bern schools in 2012. Parents made this decision for various reasons.

Soon after the decision by USD 113 Board of Education was made, the students from Bern school began to receive recruiting flyers from Nemaha Valley (now Nemaha Central) schools welcoming all students who wish to attend their schools. This came after USD 115 denied consolidation talks the year before.

4. **Transportation has never been an issue for USD 113.** USD 113 made provisions to transport all students from Bern and to have bus routes begin on the west side of the Bern area. This would put students on the bus the least amount of time as we transported them to Sabetha. The routes were tested and run ahead of time so that the longest any student would be on the bus would not exceed one hour and 10 minutes one way in normal conditions. USD 113 already had students in the south end of the district riding one hour and 15 minutes.

5. If the rationale is that parents want their tax money to go to the school where their students are attending, USD 113 is a great school system for their children. **USD 113 offers all students as good as or better educational opportunities than Nemaha Central USD 115**.

6. Another very important issue to consider is the number of students across the state who are attending schools out of their home district. **Approval of land transfer from USD 113 to USD 115 could cause other districts across the state to request the same type of land transfer. This could very quickly set off a land grab by many districts.** In fact, I would suggest to USD 113 to immediately file a petition to receive land from USD 415 to the east because USD 113 accepts over 150 students from that district. Since unification began in Kansas, USD 113 has educated, without receiving any land tax dollars, many students from USD 415. USD 113 has always had the attitude to educate all who come through the school's doors--- as many other districts have done in the state. As you can see, this could make a major mess in the state and foster bad relationships with neighbors.

7. **I believe the law states that a request for land should be because of a recent event to the facility in question. The Bern facility was closed beginning on July 1, 2012. That makes a land transfer from USD 113 to USD 115 irrelevant in terms of time limits.**

   I believe the USD 113 board voted later in 2012-13 to not transfer land to USD 115, and the issue was dropped at that time by both districts. This decision came after my retirement. This land transfer issue seems to have resurfaced in 2023 after USD 113 closed the Wetmore attendance center based on low enrollment and financial issues. Two different issues---the closure of the Wetmore facility within the past year and the closure of the Bern facility over 10 years old.

In conclusion, I believe the request to transfer land from USD 113 to USD 115 should be dismissed. Addressing land transfer at this time should be a mute issue since Bern's K-12 closure took place 12 years ago.

Cheryl D. Austin

From: Kevin Sudbeck [redacted]
Sent: Monday, March 11, 2024 9:38 PM
To: 113landtransfer
Subject: Hearing Officer Scott Gordon

March 11, 2024

Kansas State Department of Education
Office of General Counsel
900 SW Jackson Street
Topeka Kansas 66612

Dear Mr. Gordon,

My name is Kevin Michael Sudbeck. I am a property owner in the petitioned area.

My property consists of:

159.63 acres in Section 25 Township 01 Range 12
10.16 acres in Section 26 Township 01 Range 12 BEG 396' SE COR-NE4 TH W 194.1 1' N2230' E 194.11' S22

Before writing this I completed a phone survey conducted by Linda Marti where I stated I would like my property ***transferred to U.S.D. 115***

I respectfully ask that the Kansas State Board of Education ***transfer my property to U.S.D. 115***

Sincerely,

Kevin Michael Sudbeck

Cheryl D. Austin

From: Laurie Wilson [redacted]
Sent: Monday, March 11, 2024 9:54 PM
To: 113landtransfer
Subject: USD 113/USD 115 land transfer public hearing comment

Kansas State Department of Education and whom else it may concern;
My name is Laurie Wilson and I live in Bern KS. I am a business owner and landowner but have no children or grandchildren affected by the decision you will make.
Thank you in advance for your consideration of what I have to say here in support of the petition for land transfer from USD 113 to USD 115.
There are a few reasons why I am asking you to support the transfer;
#1- the distance that students travel each day to and from school. The NW portion of the old 488 district (now USD 113) is over 25 miles from any Sabetha Attendance Center, which is a very long way for young ones riding a bus or student drivers to commute daily. Although this is the furthest distance from the USD 113 attendance centers, there are a lot more students living in that part of the district that travel long ways if they have chosen to attend 113. With the proposed new lines the distance to a students Attendance Center would be somewhat similar or more equal, making it much more practical and sensible for those students. Distance is important-it is even acknowledged in the q&a article below. This is one of the reasons most of the students in this portion of the district chose to attend USD 115 from the beginning!
#2-Compounding the distance is safety. There is a substantial difference between the road to Sabetha (113), usually known as the Bern/Sabetha road or 216 Rd., which is maintained by the county, and the State Highway 71 and 63. 216th has no shoulders and no lines and is quite hazardous especially in the winter. I realize that in inclimate weather the school is closed and also that buses and student drivers can only get so far on a paved road before they need to travel on gravel.
In this Q&A article from USD 113
https://www.usd113.org/vnews/display.v/SEC/District%7CFAQ%20-%20Frequently%20Asked%20Questions%20for%20USD%20113

Q: Many tax payers do not have students currently attending school, and many who do now, will not in a few years. What criteria are used to make a determination of a fair land transfer, and are historical trends being considered in the land transfer discussions?

A: In the instance of the closure of Wetmore, I believe that a land transfer is logical. This is mostly because of the geography of the district and the likelihood that students will not attend USD 113 schools, even though we are more than willing to educate them and provide transportation. Since this decision will potentially be in effect for generations, it is important to consider future students. A major benefit to a district in having the land is that the home district receives transportation funding. There is no transportation funding for students who live out of district. The home district also benefits from revenue from capital outlay and bond and interest – although this issue is not a direct correlation because of state aid for those funds. In my opinion, looking at where students currently go to school as well as distance to attendance centers must be a part of the conversation. Where ancestral districts existed is not relevant in moving forward because the location of current attendance centers are vastly different than what existed in the past.

#3-My comment to the Q&A above- regarding the old USD 488 students who have chosen to attend USD 115-There is a likelihood that they will never attend USD 113 schools, regardless of the result of the petition, since they have literally grown up at USD 115!

#4- is representation- the out district students and their families have had no representation because they are "out of district" students.

USD 115 has been educating approximately 70 students, involved in this land transfer, per year, FOR 12 YEARS, while receiving NONE of the property tax revenue from the petitioned area and/or the area that they reside in. These out of district students have contributed to the fact that USD 115 is now functioning at capacity. In November of 2022 they passed a bond to add additional classrooms, increasing the mill levy within their district.

The burden that these USD 113 students have placed on USD 115 taxpayers must cease! It is time to redraw the "line in the sand" and with your vote to support the petition to transfer land from USD 113 to USD 115 those students and the generations to come will be fully funded and represented where they go to school!

Thank you for all you do and your attention to this most serious situation.

Laurie Wilson
[redacted]

Cheryl D. Austin

From: Tiffany Korber [redacted]
Sent: Monday, March 11, 2024 9:58 PM
To: 113landtransfer
Subject: Support for USD 115 petition

Jeff and I have two children currently attending Nemaha Central (6th & 9th grade), and two children have recently graduated from Nemaha Central. We reside on our 150 year old family farm, which is located on L4 Rd, Bern. When the Bern school closed, we decided it was best for our family to go to Seneca due to the straighter, shorter route. We are five miles closer to Seneca.

Our family has been very active at Nemaha Central. I served on the Nemaha Central Elementary PTO board for two years including President, three years on the High School Booster Club including one year as President, Prom Committee for two years, and Junior Achievement volunteer. Jeff has been very active on the Hay Day committee for the Booster Club by collecting hay for ten years. We are "All In" except for the things that we can't participate in since we are "out of district" including voting for the school board and bond issues.

Our family farm is 700 acres near highway 71 and 63, which is significantly closer to Nemaha Central. At least two of our kids plan to stay on the farm and raise eventually raise their families here. We hope that you will approve the petition for the USD 113 / 115 Land Transfer, so we can be a part of the district where we are "All In".

Thank you,
Jeff and Tiffany Korber
[redacted]

Cheryl D. Austin

From: Jody Goodman [redacted]
Sent: Monday, March 11, 2024 10:17 PM
To: 113landtransfer
Subject: Prairie Hills Land Transfer

To the Kansas Department of Education:
We are writing in regards to the land transfer. We bought property, a home, and farmstead at 2665 O Rd Bern KS five months ago under the assumption it was 113 school district. We knew there was risk of O Rd being the cutoff as at that time, that's all that was being discussed. We talked to Sabetha school board and they assured us we would be fine if that specific proposal went through. Since then, the boundaries on the proposed land transfer from 115 have gotten pushed east of us a couple times since we've moved. We have one child currently in kindergarten, 3yr old, and newborn due soon so a young family starting in USD 113 and wanting to stay in USD 113. We are asking you to remember us that have moved to this area thinking it was USD 113 school district and are caught in the middle at this time. Thank you for your efforts in this matter! Almanzo and Jody Strahm

Cheryl D. Austin

From: Jim and Kristin Meyer [redacted]
Sent: Tuesday, March 12, 2024 7:40 AM
To: 113landtransfer
Subject: Our Concerns with the land transfer petition

To the Kansas State Board of Education -

Our family lives at the crossroads of 200th road and O road just 2 miles south of Bern, Kansas. So this issue is a deep concern to us. The petition as stated is an overreach of land that USD 115 wants to seize. We supported and voted for the consolidation in May of 2010 of the old Bern District 488 and the old Sabetha District 441 which created the new 113 District. That decision was made and we were in agreement. The Seneca school district at the time denied consolidating with Bern when they had the opportunity. They made that decision. It is unethical to now come 14 years later and want to seize 77.5 miles of land to bring into their district of 115. Common sense and compromise and negotiations have been unsuccessful as USD 115 will not communicate district to district. They made that decision.

The district lines need to stay as they were voted upon in 2010. If the State of Kansas moves the district line of USD 113 and gives this land to another district because they want it, what other districts in Kansas will also decide they would like more land base?

Two of our children graduated from Sabetha High School and we have two children now married who have moved to our neighborhood on 200th road and O road in Bern. They will be sending their children to the Sabetha school campus. Many new families are moving in and new homes being built in the Bern area of which they have expressed the desire to attend USD 113. Enrollments will change. District lines do not change.

Please dismiss this land transfer petition.

Regards,
Jim and Kristin Meyer

[redacted]

Cheryl D. Austin

From: John & Elaine Mowder [redacted]
Sent: Tuesday, March 12, 2024 8:42 AM
To: 113landtransfer
Subject: Denial of petition of land

March 11, 2024

To the KS State School Board of Education,

I am writing on behalf of Prairie Hills USD 113. Our neighboring school district USD 115, 14 years past consolidation, is petitioning the state for land belonging to USD 113. If it were imperative that they needed this land, wouldn't they have requested it at the time?? Only after the Wetmore School was closed due to low enrollment/budget did they join the bandwagon against Sabetha. The amount of land they are requesting makes no sense. It actually includes land within the City of Sabetha.

In the closure of the Wetmore school, USD 115 only gained 2 students. I don't believe that justifies their request for so much land. Does USD 115 even have the present capacity to educate all the children in the requested area?

USD 113 has tried to comply with recommendations from the state on consolidation, only to constantly be defending ourselves. For the past 10+ years the district has spend a large amount of time in money, meetings and hearings for one cause or another defending actions the state recommends. It's time to get back to educating children!

USD 113 land has always accepted students from neighboring borders. In the 2022-23 school year, KSDE reported that USD 115 had 123 out of district students enrolled. In the same school year, KSDE reported that USD 113 had 123 out of district students enrolled. If the land transfers to USD115, it will force USD 113 to petition for land from Brown County. This could set off a domino effect going from one district to the next.

If the land transfer would occur it would reduce USD 115 local property taxes for the Local Option Budget and thus come at the expense of Kansas taxpayers statewide because it would result in USD 113 qualifying for additional LOB state aide.

I respectfully ask the KS State School Board of Education to dismiss all aspects of the USD 115 petition and do what is best for the students, staff and state. There has been enough chaos and conflict. Let's get back to educating children and growing our districts.

Elaine Mowder
Educated in USD 441
Children educated in USD 441
Employed by USD 441 & USD 113 for 23 years

Cheryl D. Austin

From: Ann Shaughnessy [redacted]
Sent: Tuesday, March 12, 2024 9:13 AM
To: 113landtransfer
Subject: Bern land

Good Morning,

I am a former board member from USD 113 and a 35 year retired employee of the school district 113/488. I am opposed to the land transfer from Bern. The situation at Bern is actually not relevant at this point. The school closure at Wetmore does not constitute a change in the Bern land.

The expense to all taxpayers in Kansas would be the result of this transfer, USD 113 would end up qualifying for additional LOB state aid. The damage to 113 is too great and the setting of a precedent would have enormous impact on the state if other schools decide to attempt this technique.

USD 115 already has the Bern students (123) to count in their student numbers and also many students from the Axtell area that count in their school enrollment. This furthers that impact.

Thank you for your careful consideration on this issue.

Ann Shaughnessy

[redacted]

TO: Kansas State School Board of Education

As a local business owner, with employees from both communities in Nemaha County and as a county resident I oppose a land transfer. Especially since the consolidation was in 2010, why now after 14 years would anything need to change and disrupt the unity that we have between the districts. My point to the State School Board of Education, this is something that should not be supported because of outside opinions that are making this an issue now by bringing this up to General Counsel and on to the State School Board. Putting our community at odds is never a good thing.

Again we have employees from surrounding communities and pitting one community against another is a determent for all of us, especially in Seneca and Sabetha Communities. It also is important that the focus is on our children and grandchildren's education.

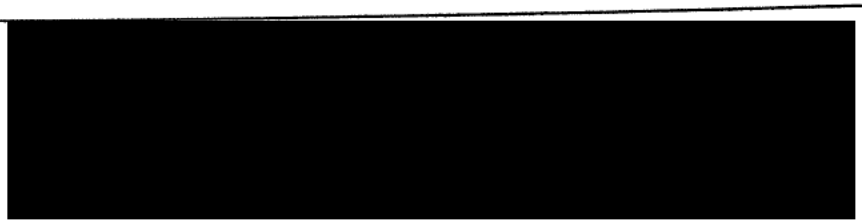
I could bringing up many other reason as stated in District 113 comments already shared.

Thanks for how you all serve our youth and our community, as a business owner in Nemaha county, it concerns me when changes to our tax bases start to change between school district's.

Paul Kaeb

President/CEO

Nemaha County, KS



Gary Scoby
[redacted]

March 8, 2024

Kansas State Board of Education,

I am writing to request the dismissal of the USD 115 petition that seeks to take from USD 113 a substantial amount of prime land.

- The law (statute) states that a request can be considered should there be a "recent change in circumstance."
- It is not logical that eleven years can be considered a "recent change?" What other "recent changes in circumstances will arise if this case is accepted?
- Per a referendum in 2010 a consolidation agreement was put into effect which created a new school district, USD 113. Bern patrons voted overwhelmingly in favor of the consolidation of Districts 488 and 441 and this vote should stand.
- The answer is simple. Dismiss this petition.

Thank you for your role in helping Kansas maintain an excellent school system. As a former Nemaha County Commissioner for 17 years, I also had to make tough decisions, but my oath was to follow the letter of the law. Please do your part in helping our communities heal.

Regards,

Gary Scoby
USD 113 patron and landowner

March 11, 2024

To whom it may concern:

I am writing this letter on behalf of the Bern Patrons. I am a big city girl born and raised so when I moved to the Bern Community, it was an eye opener. Bern is loyal to their town and neighbors. My husband was a born and raised Bern patron.

I want to start off by saying I am a Bern patron who have 3 boys currently in attendance at Nemaha Central. My oldest graduated from Nemaha Central last year. He was a Bern student until 1st grade. My husband and I both work in Sabetha. You would think it would be easier and smart to have our kids come to school in the same town that we work in. It was even 2 miles closer. WRONG! Multiple reasons played a factor in sending our kids to Nemaha Central. Our oldest is hearing impaired and Nemaha Central had the supports in the school that Sabetha did not have. Plus 7 out of 8 of his classmates were going to Seneca. When inquiring about schools it was obvious who was welcoming and wanted our students. It honestly was one of the easiest choices for us. Sabetha Schools has not once reached out to invite us to their school open houses.

In the past Bern Patrons were made promises by Dennis Stones superintendent of USD 113 and the USD 113 school board. Such as it would only be the right thing to do if the students go to USD 115 that some of the land goes with them. (Dennis Stones) Quickly we found out that we were not being told the truth. A lot of poor leadership decisions were made on behalf of the students of Bern. USD 113 did not stay true to their promises of land transfer and doing the right thing for the students of Bern. USD 115 did not fight for the promises that were made to Bern patrons. Honestly the rivalry needs to die. The rivalry still exists in many of the USD 113 patrons and school board members. The students of Bern have made that die when they attended Nemaha Central. Students of Bern have friends, cousins and community members to kids in Sabetha. USD 115 has welcomed in Baileyville and Bern students. The rivalry exists more in the adults vs the students.

My land is on the east side of Q rd. My land is in the Bern school district. It is not even in discussion between the two schools. I will forever pay my taxes to a school my kids do not attend. Some may think its all about the taxes. It is but it isn't. I will never be able to vote for a school board member or a bond. My kids will receive transportation and the school will not be paid for it. Some may say oh you are an outlier in the district. I am not

there are people on S and T road that want their "Bern land" to go to Seneca. This is a big deal to me when I am an active person in the school. I have been a PTO board member, site council member, USD 115 land petition committee and countless hours of volunteering for the school. My husband and I have also dedicated many hours to the Seneca Recreation program to benefit athletes who will attend USD 115. I would love for my land to just be even considered.

Here are my thoughts on the Bern land petition. As the Bern School closed its doors a natural boundary happened. One could argue that a few kids were on each side of the line. I agree! But the natural line that occurred for USD 113 and USD 115 took place at R rd. Here is why I say that! This is just between Q and R Rd.

- Currently there is 7 students that attend USD 115 that live in that mile
- Currently there is 5 students that attend USD 113 in that area.
- There is 2 future students for both districts as of today.
- There is 7 former students that attended USD 115
- There is 0 former students that attended USD 113.
- 3 of those USD 113 students were in foster care and placed by the state when regarding the school. Not a choice was given as the other members of the house attended USD 115.
- That giving USD 115 16 students to USD 113 7 students from past to future.

This information is from State line to the Oneida area. One could even go farther east of R Rd there is 3 who have attended USD 115 As of today east of R Rd it become very apparent there is no USD 115 students. Some could argue there is a few on the West side of R rd. that want their kids to go to Sabetha. Great that's your choice but CURRENTLY THERE IS ONLY 6 kids in the country area of Bern attending Sabetha. And only 1 of them is west of Q Rd. I could not calculate the number of kids in the country of Bern for Seneca but I can tell you there is currently 7 in between Q and R rd. There is 4 between Q and P. There is 3 between P and O. We could keep going but the land survey if considered will also show the responses of land desires as well. Just get an enrollment map from USD 115 and USD 113 to see the numbers when it comes to the Bern district.

I am a person that learns by comparison. Let me break this down to you in a Godly way. Let's say you live in Topeka near a church that you attend. Your church is getting smaller and the elders board decides to close the door. You have a choice to attend the east church or the west church. Only 2 miles difference in distance. You decide to go to the

west church because it just fits your family better. The west church is busting at the seams, needing remodeling and growing at rapid rates. The east church is doing okay but its just not for your family and no hard feelings. After your first year of regular donations, you find out that all your donation money to the church has been going to the east church when you attend the west church. You ask why and they tell you when we closed the doors of the central church, we agreed that all the money, memberships and votes will go to the east church no matter what church you attended since you were an original member of the central church. This has been going on for a few years now. Are you okay with that? Are you fine with your money going elsewhere when you are working for the church and being a faithful member but your donations don't reflect at your church? If not then why in the world would you be okay with what is going on with the Bern patrons land.

I hopeful the state board of education will be conflict free in their decision, make an educated choice in the benefit of the Bern students and realize 75% of the Bern students headed to USD 115 so 75% of the land needs to go to USD 115. Where that 75% of the Bern land is I hope you consider that line in my area. With this choice you make, you are impacting student's classroom sizes, funds available in the class room and with the new out of district laws possibly their education choices! Be smart and do the right thing for the Bern Students!

Sincerely,

Valerie Edelman

[redacted]

(Yes, I have a Sabetha address because the city owns the Sabetha Lakes which is near my property and there is no cross road until Q Rd to change the zip code)

Cheryl D. Austin

From: Adam Renyer [redacted]
Sent: Tuesday, March 12, 2024 5:08 PM
To: 113landtransfer
Subject: Dismiss USD 115 Petition

Kansas State Board of Education:

The petition presented by USD 115 needs to be dismissed for the following reasons:

1. If land is transferred to USD 115, it will come at the expense of Kansas taxpayers, as USD 113 will qualify for additional LOB state aid
2. In the 22-23 school year both districts have the same number of out of district students enrolled. It is not out of balance as USD 115 would have you believe. Educating out of district students has always been something districts have dealt with. USD 113 educates many students in the Hiawatha school district, but you don't see USD 113 trying to change the district lines.
3. USD 115 does not have the capacity to educate all of the students in the petitioned area.
4. If this is not dismissed, it will set a precedent for school closures in the future. When a district makes the decision to close a school, make no mistake, other districts will see this as an opportunity for financial gain. The door will be open for chaos on grand scale. This would not be good for Kansas.
5. USD 115 had the chance to consolidate with Bern back when Bern was looking to consolidate. They wanted nothing to do with the district at the time. Interestingly enough, now they see value in the land and students in the area, and they want to take it by force.
6. Most importantly, the line proposed by USD 115 simply does not make sense. USD 113 offered a fair amount of land to USD 115, but it was quickly rejected. They wanted more. They aren't interested in doing what it best for both schools. They are interested in doing what is best for their school only. Greed has trumped common sense in this petition, and it should be dismissed.

Thank You

-Adam Renyer

Cheryl D. Austin

From: Matt Bosworth [redacted]
Sent: Tuesday, March 12, 2024 5:33 PM
To: 113landtransfer
Subject: Land Petition Letter of Concern
Attachments: Land Petition Concern Letter.docx

Hello,
Below is a copy of the text from the attached word file. Please read and if needed during any of the meetings with the State Board of Ed I would be happy to answer any questions or provide support for the USD 113 land transfer situation.

To whom it concerns,

My name is Matt Bosworth. I am a lifelong Sabetha resident, husband, father of 2, and business owner in Sabetha. In 2019 my wife and I purchased 115 acres just south and east of Bern (see map and yellow star for the location). We purchased this with the intention of building a house on it in the future. One of the considerations that we had when we purchased this land was what school district the land was in. I was surprised and pleased to find out that it was on the very western edge of the Sabetha district.
Our current home address is Hiawatha and we are within the Hiawatha school district. Regardless of whether we live near Hiawatha or on the property southwest of Bern, our kids will attend Sabetha's schools. We attend church there, our business is in Sabetha, we shop in Sabetha, and we LIVE in Sabetha even if our address is different. One of the things that was mentioned in the survey section of the petition is that the people in the survey area shop, work, and do business primarily in Seneca, but that is absolutely not true of our situation.
After reading the Land Transfer Petition, specifically the "survey" results section, I realized that I had to share my information with you. During the survey period I tried to figure out where to submit a response but was not successful and we did not receive an inquiry about our views. I can't say with 100% certainty that someone did not attempt to contact my wife or I, but neither of us received a text message or voice mail asking what we thought about the land transfer.
I believe that it seems highly suspect that the people conducting a "survey" of this type and magnitude didn't make every attempt to contact us. If they did attempt, it was done with minimum effort. Was my opinion purposely ignored? Lastly, I want to emphasize that my situation and viewpoint on this matter is exactly the opposite of the view promoted in the survey summary.
Thank you for reading and I would be happy to have a conversation about my situation and any questions related to this matter.

Matt Bosworth
[redacted]

Cheryl D. Austin

From: Daniel Korber [redacted]
Sent: Tuesday, March 12, 2024 5:37 PM
To: 113landtransfer
Subject: USD 113 Land Transfer Issue
Attachments: DKschoolltr3.13.24.docx

To Whom it may Concern -

I am a land owner west of Bern, KS in Nemaha Township, and my family has ties to the Seneca and Bern communities. I would like my land to be transferred to USD 115 Nemaha Central.

I have attached a letter detailing my support and reasoning for transferring my property to the USD 115 District.

Thank you for your time,

Daniel Korber
[redacted]

March 13, 2024

Kansas State Department of Education
Office of General Counsel
900 SW Jackson St
Topeka, KS 66612

Kansas State Department of Education –

This letter is in regards to the Land Transfer issue between USD 115 and USD 113. I am a farmer and landowner west of Bern in Nemaha Township, I would like my property to be transferred to USD 115 Nemaha Central.

As a former graduate of Bern, I have been impressed how USD 115 Nemaha Central has stepped up and taken in several out-of-district students, including my nephews and niece into their community. Following the closure of the Bern School, I don't recall any effort from USD 113 Sabetha to accommodate these students.

Geographically, our property is located closer to Seneca than Sabetha, thus we do most of our business in the Seneca community and it only makes sense for our property tax dollars to go to USD 115 Nemaha Central and support our local community.

Since the creation of USD 113, three of the five communities originally involved have seen their educational facilities closed by the USD 113 Board. Consequently, a large portion of families in our community have had to make difficult decisions and transfer their children to other districts to continue their education. The Seneca community and USD 115 Nemaha Central has welcomed our students and made this a successful transition, while USD 113 Sabetha has essentially failed us since the closure of the Bern School. It is time to realign our property taxes and voice regarding educational matters to the Seneca community and USD 115 Nemaha Central.

Thank you for your time and I hope you act on our request to move our property to USD 115 Nemaha Central.

Daniel Korber

Cheryl D. Austin

From: Lori Marteney [redacted]
Sent: Tuesday, March 12, 2024 5:48 PM
To: 113landtransfer
Subject: USD 113 Land Transfer Request
Attachments: landtransferLKM.docx

Kansas State Department of Education -

I am a former graduate of Bern High School and a landowner west of Bern in Nemaha Township. I would like my land to be transferred to USD 115 Nemaha Central. I have attached a letter outlining my support and reasons for this transfer to the USD 115 Nemaha Central District.

Sincerely,

Lori (Korber) Marteney

March 11, 2024

Kansas State Department of Education
Office of General Counsel
900 SW Jackson St
Topeka, KS 66612

Kansas Department of Education –

This letter is in reference to the Land Transfer issue between USD 115 and USD 113. I am a former graduate of Bern High School and a landowner west of Bern in Nemaha Township. I would like my land to be transferred to USD 115 Nemaha Central.

While I live out of the area, my nephews and niece have all attended USD 115 Nemaha Central since the closure of the Bern School. It makes sense for my property taxes to go to USD 115, rather than where they currently go to USD 113. Moving my property to USD 115 would also give my brother and his wife a voice in their children's education, as they live on property adjoining mine.

Thank you for your consideration,

Lori (Korber) Marteney

Cheryl D. Austin

From: Judy Korber [redacted]
Sent: Tuesday, March 12, 2024 5:57 PM
To: 113landtransfer
Subject: USD 113 Land Transfer to USD 115 Nemaha Central
Attachments: Kansas Department of Education.docx

Follow Up Flag: Follow up
Flag Status: Completed

Kansas Department of Education -

I am a landowner west of Bern, KS and this email is to request that my land be transferred to USD 115 Nemaha Central. Geographically, we are closer and have ties to the Seneca Community, and all my grandkids attend USD 115 Nemaha Central. I have attached a letter outlining my reasoning for transferring my property to the USD 115 Nemaha Central District.

Sincerely,

Judy Korber

March 10, 2024

Kansas Department of Education
Office of General Counsel
900 SW Jackson St
Topeka, KS 66612

Kansas Department of Education –

I am a landowner in Section 19, Township 01, Range 13 in Nemaha County Kansas.

Since the Bern School was closed, my four grandchildren have attended USD115 in Seneca, Kansas. We are eleven miles to Seneca and eighteen miles to Sabetha. Considering the difference in distance, USD115 was the direction to go.

Since 2013, USD115 has been educating and busing my grandchildren. My land taxes all go to USD113. I want my land tax to go to USD115 where it should have been going since 2013.

We have no representation with voting on school issues at USD115. This is because USD113 insists on keeping us in their school district. We were told from the beginning before closure that the land could follow our kids. USD113 has not kept their word. Its time that the district lines were redrawn to be fair for everyone concerned. USD113 is getting land taxes for kids they haven't had for too many years!

Sincerely,

Judy Korber

[redacted]

Cheryl D. Austin

From: Sandy Farwell [redacted]
Sent: Tuesday, March 12, 2024 7:41 PM
To: 113landtransfer
Subject: Support for the Bern community

To Whom if may concern,

My husband and I have lived in the Bern community all of our 60+ years. We were fortunate to grow up in this community, both having attended and graduated from Bern School, gaining an very good education. Both of my parents also attended and graduated from Bern in addition to our three children. As you can see-we are invested in the Bern community and have been for years. We live west of Highway 63 and are 8.5 miles from Seneca and are located around 20 miles from Sabetha.

Twelve (or so) years ago, the school board, with a majority of Sabetha members made promises that would allow our land to follow wherever the students went. Unfortunately, our land has not been able to be transferred, as promised and remains in USD #113. I know that none of you really care, but our family, along with so many other families have felt displaced, disrespected and ignored. In 2013, we tried to get our land moved to USD #115, without any acknowledgement of the situation at all. Now, there are Bern patrons that want to stay in USD #113, but it doesn't make sense that our land stays there.

We now have grandchildren attending Nemaha Central and would like to be able to feel that we have a school again. One that we can get representation from our area on the school board, so that we can use our vote for a school we actually care about. There is absolutely no way that we can ever get representation on the school board of USD #113 due to the ways that the school board boundaries are.

So, I beg that you highly consider the request of the landowners, especially the landowners west of Bern, who include a very high majority seeking a transfer to Nemaha Central schools. My husband and I would be the very first people to transfer if allowed to do so. We want our land to be included in Nemaha Central's district, which is where we feel it rightly should go. Nemaha Central has received many of the former Bern students graciously but we are extremely concerned that with the large number of out of district students, they could turn "us" away due to space. Does that seem "fair" to all of the displaced students living in the Bern area? These families and kids should not have to worry about their education and if they will be turned away in the future.

This has been a very sore subject since the inception, and my husband and my feelings about the situation have never waivered. We choose to have our land transferred and I ask that you make a fair and honorable decision based on where the students are currently attending school and what school location best fits the home location of the families. I'm pretty sure that many of us will never understand why USD #113 has been so deceitful and wanting only Sabetha and Axtell to succeed.

Please, please help us out by doing what should have been done many years ago. Let us transfer our land to Nemaha Central.

Thank you.
Sandy & Mark Farwell

Cheryl D. Austin

From: Linda [redacted]
Sent: Tuesday, March 12, 2024 7:48 PM
To: 113landtransfer
Subject: supporting the land transfer to District 115

I'm writing in support of the transfer of Bern community land from District 113 Prairie Hills to District 115 Nemaha Central.

This problem isn't new. In the 1960's, schools in Kansas were creating Unified School Districts. The fear in Bern was having our school closed, which would result in the students in Bern and west going to school in Seneca, while the students in Bern and east went to school in Sabetha.

50 years later we saw this scenario played out when the Bern Schools were closed. No surprise that so many families chose for their students to attend school in Seneca.

Now is the time to finally create school district boundaries that reflect the reality of where students are going to school. A phone survey of landowners has been done, so we have the data of who supports each district. Please let the data inform your decision of where to make the boundaries for Districts 113 and 115 in the Bern area.

Thank you for your work to solve this problem.
Linda Marti
Bern Landowner

Cheryl D. Austin

From: Rodney Farwell [redacted]
Sent: Tuesday, March 12, 2024 8:16 PM
To: 113landtransfer
Subject: Land Transfer Petition

Kansas State Department of Education,

I would like to write to you regarding the land transfer petition filed by USD 115. I grew up north of Seneca and am a 2004 graduate of Bern High School. My wife is a 2006 graduate of Sabetha High School. We now live in the old Bern school district between Bern and Sabetha and have four kids that attend Sabetha schools. I have lived in Nemaha County my entire life so I am well versed in all of the issues that have been going on between schools ever since they started talking about closing Bern.

The petition filed by USD 115 should not be approved and here is why:

- Seneca had the opportunity to consolidate with Bern before Sabetha did. They were not interested. That was their choice.

-The petitioned area is completely unreasonable. Several of the addresses included in the area are Sabetha addresses.

- When Bern schools were closed, Seneca requested land up to O Road. Why are they requesting more land now than they did in 2012? Why didn't they petition then?

-This petition is being fueled by emotion and not by common sense. Many Bern folks are still mad at Sabetha for closing Bern, my parents included. Decisions should be made by facts, common sense, and with the future in mind. NOT by angry individuals upset over a school closure.

-USD 113 and USD 115 both educate 123 out of district students. If this petition is approved, it is a slippery slope. Where will it stop? USD 113 educates many students from Fairview which used to be in Hiawatha's school district. Should USD 113 file a land transfer to acquire that land? I don't like to see small schools close, but at a certain point it has to happen. What are other districts going to do when they financially need to close a school, but are afraid to due to the threat of a land transfer petition?

-The petitioned area includes 26 students that go to school at USD 113. If I lived in the petitioned area while my kids go to Sabetha, and it was all of a sudden put in to USD 115 district, I would be extremely upset. In my opinion there is absolutely zero chance there should be any land transferred of any patrons that currently attend 113. If the land should follow the students as USD 115 says, why would it be ok to put 26 students of USD 113 into 115 district just for their own gain? That seems ridiculous.

-There was a survey conducted by USD 115. It was supposed to be a neutral survey, however it was conducted by USD 115 patrons. How is that neutral? In addition to that, I live in the old Bern district. I was never contacted. Does my opinion not matter? In fact, I was told they only contacted one third of land owners in the old district. That survey should not hold any merit in this decision as it was not conducted in a fair and neutral manner.

-What is going to happen in 20-30 years when the next generation moves in and wonders why their land is in Seneca's district even though they live closer to Sabetha?

This whole time, I have been telling people that this should not be a hard decision. If a trade or transfer were to happen, the line should have been drawn halfway between the districts. The town of Bern itself is halfway between, so where should that go? The answer is easy-- Sabetha consolidated with Bern-- not Seneca. Therefore, the town should stay in Sabetha's district. I don't know how any reasonable person can argue with this logic but it happens. We need to think about the future, and not about emotions.

USD 113 made a fair and reasonable trade offer. It was not accepted by USD 115. That was their decision. They had a chance, they declined, and it is time to decline this petition and put an end to this right now.

Thank you for your time.

Rod Farwell

Testimony on the petition from USD 115 Nemaha Central School District to take land from USD 113

Presented by Dennis R. Stones, Retired Superintendent of USD 441/113

March 12, 2024

I am writing to voice my opposition to transferring land from Prairie Hills USD 113 for the following reasons.

1. The main reason the old USD 441 (now USD 113) Board of Education decided to enter into a consolidation agreement with USD 488 (Bern, Axtell, and Summerfield), **when B&B USD 451 and Seneca USD 442/115 turned down USD 488's request**, was because USD 441 felt strongly it was the right thing to do for all students. **USD 441/113 has always been about educating all students that come to the district.**

   Reportedly, USD 115 has denied enrollment to 10 students this year.

2. When USD 488 approached USD 441, USD 441 was told at that time the district could financially remain open one and maybe two years if they spent all carryover funds. USD 488 wanted to try to consolidate with a district while they still had something to bring to the table. USD 441 was told that all USD 488 wanted was a chance. **In summary, the very relevant issue that needs to be emphasized is the USD 488 district patrons overwhelming voted to consolidate with USD 441 knowing they were experiencing financial difficulties and may not be able to continue as a district more than one or two more years if they used all their carryover funds. More than 80% of the voters in the former USD 488 area voted to approve consolidation with USD 441, which then created the new district USD 113.**

3. After a year, it was evident the student numbers were decreasing in the Bern facility, and the USD 113 Board of Education decided it was time to consolidate buildings and cut overhead on two buildings. The decision was made to close the Bern K-12 facility and bring the students to Sabetha and

close the Summerfield elementary school and send those students to Axtell. This decision caused a reduction in staff to include administrators.

Soon after the decision by USD 113 Board of Education was made, the students from Bern school began to receive recruiting flyers from Nemaha Valley (now Nemaha Central) schools welcoming all students who wish to attend their schools. This came after USD 115 denied consolidation talks the year before.

Bern students have been attending USD 113 or USD 115 since the closure of the Bern schools in 2012. Parents made this decision for various reasons.

4. **Transportation has never been an issue for USD 113.** USD 113 made provisions to transport all students from Bern and to have bus routes begin on the west side of the Bern area. This would put students on the bus the least amount of time as we transported them to Sabetha. The routes were tested and run ahead of time so that the longest any student would be on the bus would not exceed one hour and 10 minutes one way in normal conditions. USD 113 already had students in the south end of the district riding one hour and 15 minutes.

5. If the rationale is that parents want their tax money to go to the school where their students are attending, USD 113 is a great school system for their children. **USD 113 offers all students as good as or better educational opportunities than Nemaha Central USD 115.**

6. Another very important issue to consider is the number of students across the state who are attending schools out of their home district. **Approval of land transfer from USD 113 to USD 115 could cause other districts across the state to request the same type of land transfer. This could very quickly set off a land grab by many districts.** In fact, I would suggest to USD 113 to immediately file a petition to receive land from USD 415 to the east because USD 113 accepts over 120 students from that district. Since unification began in Kansas, USD 113 has educated, without receiving any land tax dollars, many students from USD 415. USD 113 has always had the attitude to educate all who come through the school's doors---as many

other districts have done in the state. As you can see, this could make a major mess in the state and foster bad relationships with neighbors.

7. **I believe the law states that a request for land should be because of a recent event to the facility in question. The Bern facility was closed beginning on July 1, 2012. That makes a land transfer from USD 113 to USD 115 irrelevant in terms of time limits.**

   I believe the USD 113 board voted later in 2012-13 to not transfer land to USD 115, and the issue was dropped at that time by both districts. This decision came after my retirement. This land transfer issue seems to have resurfaced in 2023 after USD 113 closed the Wetmore attendance center based on low enrollment and financial issues. Two different issues---the closure of the Wetmore facility within the past year and the closure of the Bern facility over 10 years old.

In conclusion, I believe the request to transfer land from USD 113 to USD 115 should be dismissed. **Addressing land transfer at this time should be a mute issue since Bern's K-12 closure took place 12 years ago.**

Cheryl D. Austin

From: Dale Crawshaw [redacted]
Sent: Wednesday, March 13, 2024 5:45 AM
To: 113landtransfer
Subject: USD113 Land Transfer

Please support USD113 Prairie Hills. USD115 Nemaha Central's request is ridiculous.

Thanks,
Dale Crawshaw

Yahoo Mail: Search, Organize, Conquer

Cheryl D. Austin

From: Betty Sudbeck [redacted]
Sent: Wednesday, March 13, 2024 8:12 AM
To: 113landtransfer
Subject: Land Transfer

I want my land transferred to 115 in Seneca ,Ks. Our kids attended Bern School. I have felt bad all these years that 115 is teaching our grandkids with no benefit from our tax dollars.I live closer to Seneca and have always done business and church in that area. Please look into this, it's been unfair to many for a lot of years.

Elizabeth A Sudbeck

[redacted]

Sent from my iPad

Cheryl D. Austin

From: Lesha Koch [redacted]
Sent: Wednesday, March 13, 2024 8:27 AM
To: 113landtransfer
Subject: Land Transfer

Dear Kansas State Department of Education:

I'm writing to voice my strong concerns and opposition to the land transfer situation and its potential effect to USD 113.
> Back in 2011, USD 442 (Seneca aka Nemaha Valley..currently known as USD 115) chose to not consolidate with USD 488 (Bern/Axtell/Summerfield).
> USD 488 (B/A/S) asked USD 442 (Seneca) to offer consolidation and USD 442 (Seneca) chose to turn down offer.
> USD 115 (Seneca) chose to accept some out of district students from the Bern closure because students = state aide.
> USD 115 (Seneca) chose to not pursue a petition to the KS State Board of Education in 2013 when the USD 113 Board of Ed denied their petition for land (this was the appropriate time frame to request land). There was time and opportunity to pursue land after consolidation.
> USD 115 (Seneca) chose to bus out of district students (Even though
> recently they have stopped busing students within 2.5 miles). USD 113 (Sabetha/Axtell) tries to make accommodations for out of district students.l USD 115 (Seneca) -historically they have been able to take care of their capital improvement needs by transferring from the General Fund-they are producing enough revenue through GF as well as SGF in order to take care of operational expenses as well as maintenance costs. This indicates they are a wealthy district.
> USD 115 (Seneca) Chose to pass a bond issue for facility improvements (14.722 mills in FY2024). USD 113 (Sabetha) prepared for and accomplished a major remodel at SES and improvements for Axtell without a bond issue.
> USD 115 (Seneca) has chosen to file a petition with the KS State Board for land after the closure of the Wetmore School.
> (Was this choice made with the help of disgruntled patrons from Wetmore who are seemingly out for revenge and retribution? Has the pot been stirred up between two communities (Bern and Sabetha) who had journeyed through consolidation and the closure of Summerfield and Bern and whom today are neighbors, friends, relatives, attend church together, attend public events together, who CARE about others.
>
> We trust and Respect the Democratic Process:
> USD 442 (Now USD 115-Seneca) denied consolidation with USD 488 Bern/Axtell/Summerfield.
> USD 113 is the result of legal consolidation between USD 488 Axtell, Bern, Summerfield and USD 441 Sabetha. a 61% majority vote from USD 441 approved the consolidation. But, very significant to this situation, an overwhelming 82% of USD 488 voters, which includes the majority of the petitioned area approved the consolidation in an election on Tuesday, May 25, 2010. The process was both democratic, but also fair and legal.

It appears to me this is a situation of retaliation, instigated by the closure of Wetmore schools. USD 113 has always had the best interest of the students, even while making some very tough decisions that wouldn't be popular.

Thank you for your attention to this matter that could greatly impact students of northeast Kansas USD113 in a negative way.
Sincerely-
Lesha Koch

Sent from my iPhone

Testimony on the petition from USD 115 Nemaha Central School District to take land from USD 113

Presented by Dennis R. Stones, Retired Superintendent of USD 441/113

March 12, 2024

I am writing to voice my opposition to transferring land from Prairie Hills USD 113 for the following reasons.

1. The main reason the old USD 441 (now USD 113) Board of Education decided to enter into a consolidation agreement with USD 488 (Bern, Axtell, and Summerfield), **when B&B USD 451 and Seneca USD 442/115 turned down USD 488's request**, was because USD 441 felt strongly it was the right thing to do for all students. **USD 441/113 has always been about educating all students that come to the district.**

   Reportedly, USD 115 has denied enrollment to 10 students this year.

2. When USD 488 approached USD 441, USD 441 was told at that time the district could financially remain open one and maybe two years if they spent all carryover funds. USD 488 wanted to try to consolidate with a district while they still had something to bring to the table. USD 441 was told that all USD 488 wanted was a chance. **In summary, the very relevant issue that needs to be emphasized is the USD 488 district patrons overwhelming voted to consolidate with USD 441 knowing they were experiencing financial difficulties and may not be able to continue as a district more than one or two more years if they used all their carryover funds. More than 80% of the voters in the former USD 488 area voted to approve consolidation with USD 441, which then created the new district USD 113.**

3. After a year, it was evident the student numbers were decreasing in the Bern facility, and the USD 113 Board of Education decided it was time to consolidate buildings and cut overhead on two buildings. The decision was made to close the Bern K-12 facility and bring the students to Sabetha and

close the Summerfield elementary school and send those students to Axtell. This decision caused a reduction in staff to include administrators.

Soon after the decision by USD 113 Board of Education was made, the students from Bern school began to receive recruiting flyers from Nemaha Valley (now Nemaha Central) schools welcoming all students who wish to attend their schools. This came after USD 115 denied consolidation talks the year before.

Bern students have been attending USD 113 or USD 115 since the closure of the Bern schools in 2012. Parents made this decision for various reasons.

4. **Transportation has never been an issue for USD 113.** USD 113 made provisions to transport all students from Bern and to have bus routes begin on the west side of the Bern area. This would put students on the bus the least amount of time as we transported them to Sabetha. The routes were tested and run ahead of time so that the longest any student would be on the bus would not exceed one hour and 10 minutes one way in normal conditions. USD 113 already had students in the south end of the district riding one hour and 15 minutes.

5. If the rationale is that parents want their tax money to go to the school where their students are attending, USD 113 is a great school system for their children. **USD 113 offers all students as good as or better educational opportunities than Nemaha Central USD 115.**

6. Another very important issue to consider is the number of students across the state who are attending schools out of their home district. **Approval of land transfer from USD 113 to USD 115 could cause other districts across the state to request the same type of land transfer. This could very quickly set off a land grab by many districts.** In fact, I would suggest to USD 113 to immediately file a petition to receive land from USD 415 to the east because USD 113 accepts over 120 students from that district. Since unification began in Kansas, USD 113 has educated, without receiving any land tax dollars, many students from USD 415. USD 113 has always had the attitude to educate all who come through the school's doors---as many

other districts have done in the state. As you can see, this could make a major mess in the state and foster bad relationships with neighbors.

7. **I believe the law states that a request for land should be because of a recent event to the facility in question. The Bern facility was closed beginning on July 1, 2012. That makes a land transfer from USD 113 to USD 115 irrelevant in terms of time limits.**

   I believe the USD 113 board voted later in 2012-13 to not transfer land to USD 115, and the issue was dropped at that time by both districts. This decision came after my retirement. This land transfer issue seems to have resurfaced in 2023 after USD 113 closed the Wetmore attendance center based on low enrollment and financial issues. Two different issues---the closure of the Wetmore facility within the past year and the closure of the Bern facility over 10 years old.

In conclusion, I believe the request to transfer land from USD 113 to USD 115 should be dismissed. **Addressing land transfer at this time should be a mute issue since Bern's K-12 closure took place 12 years ago.**

Cheryl D. Austin

From: Renee Meyer [redacted]
Sent: Wednesday, March 13, 2024 9:52 AM
To: 113landtransfer
Subject: Please Transfer Land to USD 115

Dear State School Board Representatives,
My name is Renee Meyer, I reside on a farmstead 2 miles south of Bern. I currently have 2 kids attending Nemaha Central school one in elementary school and one in high school. There are a few things that I would like to provide personal testimony to.

-Farmsteads stay in families for generations please consider what the land owners want. Along with that consideration, please value higher the land owners who actually currently have kids attending school.

-I would hope you take into consideration past children who have attended certain schools as well as future children. My children have attended Nemaha Central since Bern school closed.

-A large percentage (over 75%) of individuals in the Bern area whom kids attend Nemaha Central did not get to vote regarding current upgrades to Nemaha Central school buildings

- Things were promised in the past from USD 113 and opportunity to change school lines may have not reached legal agreements. At the time Bern school closed Nemaha Central was informed that USD 113 was not willing to transfer land. Even though in negotiations of consolidation, before year 2009, between Bern and Sabetha, Sabetha indicated willingness to transfer land.
When the Bern school was closed in 2012-2013 timeframe Sabetha was unwilling to transfer land to USD 115. Now 2024 USD 113 has worked with other neighboring school showing that they are willing to transfer land when in the past they were not. They say that it is because of a big fluctuation of students from the a Wetmore school moved. Well the same big fluctuations of students took place in 2013 timeframe when they were unwilling to negotiate. Please keep USD 113 accountable and treat everyone fairly around the whole district.

Things need to change, new district line need drawn. That is why, I feel, we are reaching out to you as our state board of education, please assist us with getting the job done and resolve this issue.
Our kids are watching, please show them that you can ask for help in the hierarchy education system and things get resolved in a fair and justified way. Not just pushed over for the next generation to deal with.

Thank you
Renee Meyer

Cheryl D. Austin

From: Elizabeth M. Kroll APRN-BC [redacted]
Sent: Wednesday, March 13, 2024 10:54 AM
To: 113landtransfer
Subject: Land transfer

Good morning,
Land transfer is going to open a pandoras box that would be difficult to close and navigate. Money will be tied up in litigation or mediation, emotions will run wild and time will be spent needlessly across the state. Let's focus on good honest education.

I live in Brown county and own a farm in Jackson county; yet, my children go to school in Sabetha (Prairie Hills 113). I have never lived under the delusion that the moneys accrued from my ownership should follow my children. It is unrealistic to think that could occur. Could you imagine the man power to work that out!

Please vote *NO* to the land transfer. It will provide you and our fine state of Kansas much needed peace on this topic, so that we can get back to focusing on good honest education.

Thank you,

Elizabeth Kroll APRN-BC

Sent with Proton Mail secure email.

Cheryl D. Austin

From: Shari Frey [redacted]
Sent: Wednesday, March 13, 2024 12:41 PM
To: 113landtransfer
Subject: Showing our support for USD 113

As a couple, we are writing to ask you to reject the land transfer request from USD115.

Both of us grew up in Bern, KS which was formerly the 488 district. Both of our fathers were Bern graduates. My husband's grandfather was a school board member.

We both attended KSU and began our careers. When we started our family we decided to move back to Nemaha County. We lived for two years in Seneca(now 115).

Then my husband was transferred to Sabetha. It is in Sabetha that we raised our family and are grateful for the excellent school systems.

So to say we have people we care about in this entire county, that would be the truth

We have experienced the consolidation of Bern/Axtell/Summerfield into the Sabetha Wetmore district. At that time, The Seneca district was not willing to have 488 consolidate with them.

When the time came, that the Bern school was not making it, the decision was made to close that building. Of course there was hurt with this. This was our Alma mater.

The writing was on the wall. With the emotions from this closure, some families who would have been closer to Sabetha went to Seneca because of the anger. Time has healed a lot of this. If a true survey was done you would see this.

So in 2011, instead of Seneca allowing Bern to consolidate with them, they chose not to but for sure went after many of the students..

They benefitted from this because there was no anger and hurt emotions towards them due to a school closure.

If USD 115 (Seneca) wanted to pursue a petition to the KS State Board of Education in 2013 when the USD 113 Board of Ed denied their petition for land.....this would have been the appropriate time frame to request land. There was time and opportunity to pursue land after consolidation. They did not.

USD 115 (Seneca) Chose and chooses to Levy LOB. This emphasizes that districts choose to levy Local Option Budget taxes.USD 115 (Seneca) Chose to never levy a Capital Outlay Tax. This could be tied into their expensive bond issue. It is tied into the fact that historically they have been able to take care of their capital improvement needs by transferring from the General Fund-they are producing enough revenue through GF as well as SGF in order to take care of operational expenses as well as maintenance costs. This indicates they are a wealthy district.

Now, USD 115 (Seneca) Chose to pass a bond issue for facility improvements (14.722 mills in FY2024). USD 113 (Sabetha) prepared for and accomplished a major remodel at SES and improvements for Axtell without a bond issue.

And now the Wetmore action committee stirred the pot due to anger of their small school closing . It seems that Wetmore was visiting with Seneca board members and wish to seek revenge towards USD113.

There is history and we have to consider the Democratic Process.

1. USD 442 (Now USD 115-Seneca) denied consolidation with USD 488 Bern/Axtell/Summerfield.

2. USD 113 is the result of legal consolidation between USD 488 Axtell, Bern, Summerfield and USD 441 Sabetha. a 61% majority vote from USD 441 approved the consolidation. But, very significant to this situation, an overwhelming 82% of USD 488 voters, which includes the majority of the petitioned area approved the consolidation in an election on Tuesday, May 25, 2010. The process was both democratic, but also fair and legal.

Finally, USD 115 claimed that they surveyed land owners around Bern for their desires. My dad has land both by Bern and By the Sabetha Lake. Both parcels would be in the area that Seneca wants. He was not contacted until 2 days ago. This should negate the petition. The survey was not fairly, professionally, or done with integrity.

(USD 113 Sabetha/Axtell) spent many hours of research to come up with a trade of land that would have solved this issue. This was offered and refused.

One issue that was shared that if a student attends Seneca and their land is in the Sabetha/Axtell district, they can't run for school board.

I teach special education and have been in public education since 1991. There are many more ways that patrons and parents can get involved in the schools that just running for school board.

Another point is that it is impossible to just take a footprint in time and draw a line. Land ownership changes all of the time. Many people own land in multiple school districts.

By changing this land boundary now, it could certainly open a huge issue in our state. In the Sabetha schools we have many students coming from the east. What would stop us from petitioning the state for land that is towards Hiawatha.

School districts have cooperated for decades with no problem. Students move around between schools for various reasons.

Currently, USD 113 and USD 115 have the same amount of transfer in students (128).

Please consider these thoughts and stop this petition from going any further.

This truly feels like bully behavior.

Please let us get back to educating kids and preparing them for the future.

Respectfully,

Shari and Roy Frey

Cheryl D. Austin

From: Cindy Alderfer [redacted]
Sent: Wednesday, March 13, 2024 1:01 PM
To: 113landtransfer
Subject: Sabetha Land Transfer

I spent my first 6 years of school in Axtell, then my next 6 years going to Nemaha Valley in Seneca but I've lived in Sabetha for the past 42 years ... all 3 communities are wonderful and have some of the nicest people in them that you would ever want to meet.
People that care for others in the community and also for their surrounding communities which is what makes this land grab so disturbing to me ... it only started because people in Wetmore didn't want to have their school closed ... I totally understand that but when a school isn't viable, it isn't viable!
As for this entire situation with the land valuations and who deserves what or how much is awful ... both schools accept children outside of their district lines and until 2022 this was never an issue. If Seneca (USD 115) would have approached Sabetha (USD 113) years ago when the Bern school closed and some families chose to send their children to Seneca to school about transferring land valuation or some sort of compensation it would be different .... let's be honest, this is seriously nothing more than a bitter action on their part at this time.
My primary question is this, if Sabetha hadn't made the decision to close Wetmore would this be happening? If the people in Wetmore that have caused all the hate and discontent between several districts hadn't had the chance to do so, would this be happening? I feel these are valid points and questions and I trust that the board that is appointed to these hearings will be unbiased and will make fair & reasonable decisions that will benefit all the residents of both of these districts.
I own several pieces of property in Sabetha and I feel that this will only cause taxes to increase if this land grab goes thru ... please carefully consider the importance of these decisions for everyone involved.

Thank you for your time,
Cindy Alderfer

--
Cindy Alderfer
[redacted]

Cheryl D. Austin

From: Jenna Farwell [redacted]
Sent: Wednesday, March 13, 2024 1:49 PM
To: 113landtransfer
Subject: Bern land transfer

Hello,

My name is Jenna Loveall. I live west of Bern (straight north of Seneca 9 miles). Our land is currently in the Sabetha (USD 113) school district and my husband and I would like it to be transferred to the Nemaha Central school district (USD 115). We have 3 daughters who currently attend school at Nemaha Central. We would love to be in district so we can have a say on things that happen at their school. Not only is Seneca much closer to our house, we do all of our business (grocery shopping, banking, etc) in Seneca. We are also business owners (Premier Concrete) in Seneca. Please consider our requests when going over this issue.

Jenna & Cody Loveall

Cheryl D. Austin

From: [redacted]
Sent: Wednesday, March 13, 2024 3:28 PM
To: 113landtransfer
Subject: Prairie Hills USD #113 Land Transfer

Scott Gordon and the Kansas State Department of Education:

Over the years, the Kansas State Department of Education has encouraged and provided incentives for school districts to consolidate and/or close small schools, in order to save the State tax dollars, and understandably so, due to the difficulty in actually closing schools. We have watched local school consolidations and closings over the past 10-15 years with trepidation, and the most recent school closings in our Prairie Hills UDS #113 have caused more rancor and acrimony than any community ever wants to experience. The Wetmore school closing even involved the circulation of a petition to dissolve the district, which thankfully was never filed.

Bern/Axtell/Summerfield USD #488 first approached Nemaha Valley USD #442 (now USD #115) about consolidating, and due to the location of the schools, that would have been a reasonable consolidation. Nemaha Valley USD #442 declined to consider a consolidation, so Bern/Axtell/Summerfield USD #488 contacted Sabetha USD #441 (now USD #113), a vote was held in May 2010, and the two districts consolidated, with 61% voting in favor in USD #441, and an overwhelming 82% voting in favor in USD #488.

Prairie Hills USD #113's closures of the Bern and Wetmore Attendance Centers were based on the financial difficulties in keeping the schools open, and with the full approval and incentives provided by the Kansas State Department of Education. The local school board members had to make these difficult decisions despite their reluctance to close schools, and knowing that it would be a very unpopular decision. The ensuing ill will between the communities, families, and even churches was painful for everyone involved.

Based on these events, and for the following reasons, why is the subsequent petition for land by Nemah Central USD #115 from Prairie Hills USD #113 **even a consideration** by the Kansas State Department of Education?

- Does the State think that school districts will make the difficult decisions to close schools if this petition is approved? If this petition is approved, all school districts in the State will be very reluctant to consolidate and/or close schools.
- The land in this petition even includes property owned by patrons who send their children to Prairie Hills UDS #113's schools; two-thirds of the property owners in

the petitioned area weren't even contacted for their preference as to which district their land should be in.

- It is unreasonable that Nemaha Valley USD #442 (now USD #115) refused to consolidate with Bern/Axtell/Summerfield USD #488 when the consolidation initially happened, and was saved from the challenging task of closing schools, but now wants to benefit from the property tax base.
- Nemaha Central USD #115 educates the same number of out-of-district students as Prairie Hills USD #113; does that suggest that Prairie Hills USD #113 should also petition other districts for land?
- Prairie Hills USD #113 made a very reasonable offer to transfer land to Nemaha Central USD #115, and it was soundly rejected.

We ask that the Kansas State Department of Education deny this petition and encourage our school districts to cooperate for the good of all the children in our great State of Kansas.

Sincerely,
Cynthia and Rod Strahm

[redacted]

Cheryl D. Austin

From: Belinda Garten [redacted]
Sent: Wednesday, March 13, 2024 4:08 PM
To: 113landtransfer
Subject: Land Transfer Petition

After reading the land transfer petition, it is clear that this is a money-grab that would take place at the expense of the tax payers. As a tax payer in the state of Kansas, I am firmly opposed to the land transfer.

Sincerely,

Belinda Garten

To: Scott Gordon and

Kansas State Board of Education

My name is Donna Keim. I am a Mom, Grandma and former elementary teacher having taught 1st grade in Bern when it was still USD 488. I am writing this letter as an opponent of the USD 115 land transfer petition. I am a lifetime resident of Sabetha and have witnessed the formation of USD 441 in the 60's and the consolidation of USD 441 and USD 488 to become USD 113. I will try to be as brief as possible as I highlight the key issues why I believe this petition should be dismissed. I will be referencing seven USD districts, they are: Former USD 441, Sabetha/Wetmore, former USD 488, Axtell/Bern/Summerfield, former USD 442, Seneca Nemaha Valley, consolidated USD 113, Sabetha/Axtell, consolidated USD 115, Seneca Nemaha Central, USD 335, Jackson Heights, USD 380, Centralia/Vermillion

With the closure of Wetmore Attendance Center the following three districts, 335, 380 and 115 banded together, driven by opportunity, to acquire a great deal of USD 113 land that would have decimated the district. USD 113 had offered land transfer proposals to each of the 3 districts but none were accepted. These 3 districts are being represented by the same lawyer. These districts took USD 113 to mediation December 2023. Mediation between USD 113 and USD 335 and USD 380 was successfully negotiated. Mediation between USD 113 and USD 115 was unsuccessful. In the land transfer petition by USD 115, they are petitioning for land that has already been successfully transferred from USD 113 to USD 380. The same lawyer representing both 115 and 380 is petitioning for land already transferred, how can this be?

The Democratic Process. In 2008-2009 then USD 488, Axtell, Bern and Summerfield were facing financial difficulties. They met with the USD 442,

Seneca, seeking the consolidation of the 2 districts. USD 442, Seneca, had no desire to consolidate. It needs to be noted that just a couple years later USD 442 and USD 451, Baileyville/St Benedict district entered in to a consolidation agreement closing all the USD 451 schools. USD 448 then reached out to then USD 441, Sabetha/Wetmore proposing consolidating the 2 districts. An election was held in May of 2010 for the consolidation of these 2 districts and was met with a 61% approval of USD 441 patrons and a whopping 82% approval of the USD 488 patrons. This district, USD 488 overwhelmingly chose to consolidate. Elections Matter! Now we are facing the consequences of this consolidation. What happened to the long term support the state was so willing to offer to consolidating districts?

Land Owner Survey. To be blunt, this survey was a joke. The group in charge of the survey posted on Facebook for volunteer callers. These volunteers were then tasked with calling the landowners in the petitioned area where they would like their land. How were these questions phrased and asked? One Grandmother in her 80's was called and didn't really understand what they were talking about so she told the volunteer to call her son because he farmed the land, he never received a call. One landowner was surveyed by a volunteer who was the spouse of a USD 115 school board member, appears a conflict of interest here. Did the surveyors pick and choose who they did call? Many landowners never received a call and the survey given to USD 113 showed that it was 2/3 incomplete. Again I'm telling you it was 2/3 incomplete. How can this survey be trusted?

In 2023 both USD 113 and 115 had 123 out of district students. With the legislation passed, open enrollment will be available to all students across the state of Kansas. USD 113 has accepted all out of district students in the 2023-2024 school year. It has come to our attention that USD 115 has denied 10 students this school year due to capacity limits. If USD 115 were to gain all the land they are petitioning for, how are they going to educate all these kids when they are already turning students away?

Cost to taxpayers. I do not understand all the formulas of school finance. I do understand that if 77.5 square miles of land at approximately $18 million in valuation is lost it would be devastating to our district. This would cause a wide swing in the district's finances and the ability to educate the students of the district. USD 113 would become an even poorer district having the need for more state funding for equalization. On the other hand if USD 115 receives the land they are petitioning for they will become an even richer district.

If this petition is successful what will the statewide implications be? Will the district losing land petition their neighboring district for land that they receive out of district students from? And from there will the next district petition for land from their neighboring district? Where will this end?

This petition is the fruit of the Wetmore school closure, driven by emotion, ill-feelings and a vendetta to get even. USD 113 tried to negotiate a fair transfer to USD 335 where most of the Wetmore students would be attending, but they turned it down and wanted more. With that the problems escalated with 2 more districts jumping in all represented by the same lawyer. 2 districts were able to mediate with USD 113, why after countless offers to USD 115 were they not willing to reach an agreement. Is it because they smelled blood in the water and thought they could get more?

You are tasked with a decision that will have serious statewide implications. I urge you to dismiss this petition.

Thank you,

Donna Keim [redacted]

Cheryl D. Austin

From: Marceil Bergman [redacted]
Sent: Wednesday, March 13, 2024 8:02 PM
To: 113landtransfer
Subject: Proposed land transfer

Regarding the public hearing on a pending petition to transfer school district territory from USD 113 to USD 115, please send us a description of the territory to be transferred.

Thank you,
John and Marceil Bergman
Seneca, Kansas 66538

Virus-free.www.avg.com

Cheryl D. Austin

From: Lori Menold [redacted]
Sent: Wednesday, March 13, 2024 8:46 PM
To: 113landtransfer
Subject: Land Transfer

Good evening-

I am writing regarding the USD 113 land transfer proposal. We live on a family farm between Bern and Sabetha, but live within the Sabetha USD113 School District, where all three of our boys currently attend.

My husband and I both graduated from Sabetha High School, and my first cousins graduated from Bern High School prior to the consolidation. I had a great appreciation for the Bern School system, and when faced with closure it was Sabetha (now USD 113), who allowed them to stay open by consolidation a few more years, with an 82 % approval of USD 488 voters (which includes the majority of the petitioned area). To note, USD 442 (now USD 115) denied consolidation with USD 488.

After the difficult process of closing Bern School, USD 115 chose to not pursue a petition to the KS State Board of Education in 2013 when the USD 113 Board of Ed denied their petition for land (the appropriate time). There has been time (10+ years) and opportunity to pursue land through petition.

With the challenging decision to close Wetmore which resulted in natural emotional responses, fairness issues were raised. USD 113 was very willing to sit at the table to look at a reasonable trade agreement. I am told, many hours of research to come up with a trade of land would have solved this issue. In fact, the valuation in the trade favored USD 115 by over $1,000,000! They did not accept this.

If you allow this petition to pass, what will the legal process going forward be? School districts have worked together for ages.
USD 113 has 123 out of district students and USD 115 has 123 out of district students. Many of these out-of-district students come from the Fairview area. Will our future BOE look to petition the State BOE to gain this land? How many other land grabs could happen?

Please respect the democratic process, and do not approve the transfer of land to USD 115.

Thank you,

Lori Menold

Cheryl D. Austin

From: Mark Sudbeck [redacted]
Sent: Wednesday, March 13, 2024 9:27 PM
To: 113landtransfer
Subject: Land transfer support letter

Mr. Gordon,

My name is Mark Sudbeck. My wife, Kristina, and I are property owners in the petitioned area and would like to see our property transferred to USD 115.

We are geographically located Seven and a half miles north east of Seneca. We used to live on the property and would like to build a new home on the property but for now bought a house in Seneca due to the age and the structural deterioration. Currently we have 2 of our 3 children enrolled at USD 115 and the third will start this coming fall. With everything that is currently going on it has hindered our plans of building our new home because we want our children in the USD 115 district and not on a lottery system to attend USD 115.

We also do the majority of our business in Seneca and My wife currently works at the Ag Partners office in Seneca.

Respectfully
Mark J Sudbeck and Kristina Sudbeck

Cheryl D. Austin

From: sandy aberle [redacted]
Sent: Wednesday, March 13, 2024 9:49 PM
To: 113landtransfer
Subject: USD 113 Land Transfer
Attachments: 113 land transfer letter to state board of education.docx

113landtransfer@ksde.org

Kansas State Department of Education
Office of General Counsel
900 SW Jackson St.
Topeka, KS 66612

RE: USD 113 Land Transfer

My name is Sandra Aberle and I have resided in the districts of former #488 and #441 (now both part of USD 113) my entire life except for my three years attending KSU. I was a high school student in Bern, serving as class president and then student body president, when the consolidation process of the 1960's occurred. During that same era, my uncle served on the Bern school board while my future father-in-law served on the Sabetha school board. Upon completion of my degree and my subsequent marriage, I relocated to Sabetha, where I taught for USD 441 and then served on the USD 441 school board as it started the journey to becoming USD 113. I offer the above information to ascertain that my involvement in this issue exceeds that of the average resident in USD 113. Also, I hopefully am not biased by emotion. I present facts.

Take a moment to look at those early district numbers (441, 442, 488). No one in the rural areas of Kansas wanted to consolidate during the 1960's. We are a state of local loyalty. Sabetha had already filed papers to consolidate with an elementary feeder school and a neighboring district, when the Wetmore school district approached the Sabetha board and asked to be included. Sabetha willingly accepted them, withdrawing an earlier filing and re-filing a second petition. Seneca filed soon after that, while Bern/ Axtell/Summerfield (488) are another forty districts down the line. Why? They, too, were trying to keep their local schools open. If you look at a map of those districts, they are tenuously connected on the KS/NE border. USD 115's current request would sever that tiny connection, totally isolating the Axtell/Summerfield territory. If that were to be allowed in this situation, eventually the entire state might see a "checkerboard" effect of districts claiming non-contiguous territory.

Next, let us consider that during the 2009-2010 school year, USD 488 had approached the B&B (Baileyville and St. Benedict) school board (USD 451) about a possible unification. Their request was rejected. Later, the Sabetha/Wetmore Board (USD 441) was told by the USD 488 Superintendent Bob Bartkoski that following the B&B rejection, he had reached out to the superintendent of USD 442 (Seneca) asking if there was a possibility of meeting with their board. According to Bartkoski, the superintendent of

USD 442 indicated they had no interest at that time. Thus, USD 488 was refused to enter unification conversations by both B&B (451) and Seneca (442). Let me repeat this: USD 488's requests to be part of two neighboring districts were refused. Thus, USD 488 then asked the Sabetha board for the same consideration. Once again, Sabetha willingly accepted a merger. USD 113 is the result of a legal consolidation between USD 488 (Axtell, Bern, Summerfield) and USD 441 (Sabetha/Wetmore [and the 1960's territories of Goff and Morrill]). When reviewing the May 2010 vote that was held to approve this consolidation, please note that the USD 441 territory had a 61% approval rate (a good majority), while the USD 488 territory had an overwhelming majority at 82% approval rate. That 82% approval vote primarily came from the area USD 115 now wants to annex.

Another area to explore is the fact that out-of-district students frequently cross district lines to attend the school of their choice. My husband grew up living three blocks from the Sabetha Rural High School, yet because he lived on the east side of the Nemaha/Brown County line, he actually was part of the Morrill school district. Yes, he attended Sabetha schools. A more current illustration is a former student of mine who drove twenty miles to attend USD 441 because of the FFA opportunities. Other students have driven even further for the music/drama opportunities. Currently, 123 out-of-district students attend USD 113. Ironically, 123 out-of-district students attend USD 115. This out-of-district possibility allows students to go where their needs are met without being concerned about district lines. Thus, I must ask, Why? Why does Seneca need the boundary lines changed?

In conclusion, I believe local areas need to iron out local situations without the state being involved. The past histories presented above show that local areas can do that, even if it takes time, resources, and a healthy dose of "give and take." If the state chooses to become involved in this issue, how many more similar issues will develop?

Thank you for taking the time to consider my thoughts.

Sincerely,

Sandra J. Aberle

[redacted]

Gus and Sandy Aberle

"How great are his signs! and how mighty are his wonders! his kingdom is an everlasting kingdom, and his dominion is from generation to generation." Daniel 4:3

Cheryl D. Austin

From: Joe Strathman [redacted]
Sent: Wednesday, March 13, 2024 10:01 PM
To: 113landtransfer
Subject: Land transfer

Please do not allow this land transfer.... It would set a terrible precedent for other schools!!!

Cheryl D. Austin

From: JR & Nicole Hermesch [redacted]
Sent: Wednesday, March 13, 2024 10:37 PM
To: 113landtransfer
Subject: Bern Land Transfer Support

To whom it may concern,

We want to express our support for the land transfer of the area in and around Bern, KS from USD 113 to USD 115. Many, if not all, of the families living in that community have been sending their children to USD 115 schools since the closure of the Bern school several years ago. It is time these families become permanent members of USD 115 instead of having to petition the school every year.

We urge you to please approve this land transfer.

Sincerely,
JR & Nicole Hermesch

Cheryl D. Austin

From: Kass Heiman [redacted]
Sent: Wednesday, March 13, 2024 10:41 PM
To: 113landtransfer
Subject: USD 113

I am opposed to the land transfer from Bern to USD 115. Our district needs to keep the land in USD 113.
- Axtell Resident

Cheryl D. Austin

From: Chloe Haug [redacted]
Sent: Thursday, March 14, 2024 9:40 AM
To: 113landtransfer
Subject: USD 113 to USD 115 land transfer: Bern

Good evening,

I am emailing to show my support for the Bern kids going to Seneca/USD 115. There are many students in that area who go to Seneca/USD 115 already and have been a great addition to our schools.

They have been a positive addition to our community and we would love to continue to educate them in our school district.

These families do not want to go to Sabetha/USD 113. They want to be in the USD 115 school district.

With the addition of the schools, USD 115 can accommodate them and continue to educate them well.

Please allow them to join the USD 115 school
district. They will be treated fairly and continue to grow in a community that cares about EVERYONE.

Those families deserve to have a voice in this battle.

Thanks,
Chloe Haug

Cheryl D. Austin

From: Betty Bergman [redacted]
Sent: Thursday, March 14, 2024 11:12 AM
To: 113landtransfer
Subject: land transfer from USD 113 to USD 115

I support having the Bern students coming to school at Nemaha Central USD 115. I like to continue having them come to Nemaha Central High School.

Thank You,
Betty Bergman

Cheryl D. Austin

From: janell niehues [redacted]
Sent: Thursday, March 14, 2024 1:01 PM
To: 113landtransfer
Subject: Land transfer

I support the transfer of land from USD 113 to USD 115. I am the county treasurer for Nemaha County. I see the tax dollars for the people that reside in the USD 113 district and have faithfully sent their children to USD 115 over the past 10 years. Unfortunately, these same people were told that the Bern school would not be closed when the redistricting took place and that is not what happened. I feel that the tax dollars should go to the school where the students attend. It is not like there is one student in that area that chooses to attend Nemaha Central. There are multiple students in this area that are attending USD 115.
Thank you for listening to my opinion and I hope you will seriously consider making the change.

Janell Niehues

Cheryl D. Austin

From: David Korte [redacted]
Sent: Thursday, March 14, 2024 1:41 PM
To: 113landtransfer
Subject: USD 113/115 land transfer

Scott Gordon,

My background:
School/residence: within USD115 - I chose to live near my parents and care for them as they did for me.
Occupation: within USD 113 - I have commuted from Seneca to Sabetha for 29 years.
I am a lifelong resident of the area. I consider myself a member of both communities, and have connections to graduates of both schools. I contribute to both communities.

My perspective:
If a distinct demographic consistently gains its education from a school, then it's appropriate that the school be allowed to share the cost of education with that demographic. It makes little sense to allow a district the ability to tax if a majority feel that they are served better elsewhere. This has been the case for a reasonable time - 10+ years for the Bern area, 40+ years for some portions of southern USD 113 (441).

Please provide a fair and unbiased judgement. If there were no district boundaries today, where would you draw them?

Thank you,
DK

PS: Please treat as confidential - I prefer not to disrupt/upset within either community.

Cheryl D. Austin

From: Von Lauer [redacted]
Sent: Thursday, March 14, 2024 3:22 PM
To: 113landtransfer
Subject: Opposition to USD 113 land transfer

March 14, 2024

Kansas State Department of Education

I am writing in opposition of the land transfer from USD 113 to USD 115.

I have actively followed the situation and cannot understand why it has gotten to this point. The request of USD 115 is unreasonable. USD 113 has actively and openly tried to resolve this potential land grab by the trading of land from one district to the other in keeping with fairness. The trade seemed like a logical way of being honest and fair. With this being refused by USD 115 without any form of conversation, it has been taken out of local hands for the decision. This is a shame. Local control has been lost when both parties will not sit down and come up with an agreement as has been done in the past. A great amount of time has been directed to this situation and time taken away from educating students, which should be the foremost priority for every school district. In addition, monies that have been spent on legal fees is money that should have been used in the classroom.

Please carefully review what has happened up to now. You have the authority to rule with a sense of reason. It appears that what happens here will set a precedence as to what can and will happen in Kansas when one district wants to take land from an adjoining district. I sincerely hope we will not go down that road. We all deserve better.

Respectfully,

Jerre Lauer
[redacted]

Sent from my iPhone

Cheryl D. Austin

From: Ken Georg [redacted]
Sent: Thursday, March 14, 2024 3:37 PM
To: 113landtransfer
Subject: Land Transfer

Kansas State Dept. of Education,

My name is Judy Georg and I wanted to share a little bit of history. In 1964, My two brothers (Gary and David Pfrang) and I went to Oneida grade school. We lived South of 36 Hwy. When Oneida closed I was going into my freshman year. My dad Edward met with both USD 441 Sabetha and USD 442 Nemaha Valley. Our family wanted to be in the Sabetha school district along with every family east of us, which is the Golf/Oneida road in Adams Township. After several meetings, my dad agreed to let Seneca have 1 rod length along the Golf/Oneida road because Seneca wanted access to head South in hopes to reach the Golf area. My dad owned the entire section (23-13-3 Nemaha County, KS) where we lived. Since his passing my brother Gary now owns the property. Back then School districts were very strict on boundary lines. Needless to say the students South of us broke off and went to school in Golf and some went SW to Kelly. Only the students West of Q Road went to Seneca. The divide in my area has always been that particular road. I can not speak to anything North of Hwy 36.

I grew up in this area that Seneca is wanting to petition for and currently live just east of there where my kids attended Sabetha. A while back Nemaha Central attempted a land survey conducted by themselves/volunteers. I received a phone call and was given 4 options where I wanted my tax dollars to go. That was it, nothing else. When I questioned about mill levy tax rates all I heard was silence. It probably did not help that my answer was Sabetha. Ever since then I question how various surveys are conducted and even the accuracy for which they are recorded. For example the legal descriptions printed in the Sabetha Herald on February 21st with a map from Landplan Engineering in Lawrence. The point of beginning of tract 2 which begins in section 13 in Adams township just happens to be owned by my two brothers (Sabetha graduates) and 1 absentee landowner. I also own a quarter just South of there. There is no way a survey can validate Seneca's claim to any of the two South tracts of 113 land. Especially with only 1/3 of the land owners surveyed even participating. This is a valuation grab and as simple as I can put it should be dismissed.

Thank you,

Judy Georg, concerned landowner

Cheryl D. Austin

From: Katie Sandmann [redacted]
Sent: Thursday, March 14, 2024 5:08 PM
To: 113landtransfer
Subject: Land Transfer

I am writing to state my opposition to the land transfer that is being proposed between USD 115 and USD 113.

In the 2022-23 school year, KSDE reported that Nemaha Central had 123 out of district students enrolled. In the 2022-23 school year, KSDE reported that Prairie HIlls had 123 out of district schools enrolled. Not only do both districts support the same number of out of district students, but open enrollment, if districts have the capacity, will be a legal requirement starting with the 2024-25 school year.

I already have concerns about the capacity of USD 115 to educate all of the children in the requested area based on past denials of out of district students.

Please take the time to consider how this can potentially be dangerous for all districts in Kansas. Once we let one district do something like this the door is opened for all districts to follow. As an educator, I see better use of our time and resources.

Thank you,
Katie Sandmannn

Cheryl D. Austin

From: Heather Schremmer [redacted]
Sent: Thursday, March 14, 2024 5:09 PM
To: 113landtransfer
Subject: Land Transfer Letter
Attachments: KSBE Letter.pdf

Attached is my letter in regards to the Land Transfer Petition filed by USD 115 against USD 113. Thanks.

Heather Schremmer

Dear Kansas School Board Members,

I am writing to you as a concerned USD 115 patron. A little back story, my family and I reside in the USD 115 district. We live south of Highway 36 and west of the Goff-Oneida road. We are approximately a mile from the line dividing USD 115 and USD 113. Even though we live in the USD 115 school district our children attend school in the USD 113 district, mainly because I teach at Sabetha. I have never had any ill feeling toward USD 115. I have always felt that even though my children do not attend school in USD 115, that it was my job as a USD 115 voting taxpayer to vote according to what was best for students in the USD 115 district not just my family's financial bottom line. My husband and I have voted in support of each the previous bond issues because we knew that it would fulfill a need for the USD 115 students. Despite, the fact that we would be paying more in taxes and our children would not get the benefit of the bond we would be helping financially aide. I say this to hit home the point that I understand that we have chosen to send our children out of district. It is a choice we have made and we should not hold that against the students in USD 115. I have always had faith in our locally elected officials, whether in USD 115 or USD 113, to make ethical decisions that are in the best interests of our youth.

Over the course of the last year, I have been disappointed in the actions taken by the USD 115 school board. I believe that many of the decisions made by the USD 115 over the course of the previous year in regards to land transfer with USD 113 have been unethical and misleading. This is concerning to me as a USD 115 patron, a parent, and a teacher. I am concerned with the example we are setting for our youth. Our youth are watching. They see and hear the unethical decisions that are being made. They see the misleading information that is being shared. The misleading representation of data is extremely concerning to me as a math teacher. Misrepresentation of data is being used by USD 115 to fit their narrative. For example, in the Land Transfer Petition it was stated

> "Yes, the pupils residing in the land to be transferred previously attended schools closed by USD 113 in Bern (2013). USD 115 also received several students as a result of USD 113's decision to close the Wetmore attendance district (2023)."

USD 113 closed Bern at the end of 2012 school year not 2013 at stated in the petition. I would also point out that the term "several" is being used extremely loosely. USD 115 received 2 Wetmore students. Using the word several to describe the 2 Wetmore students USD 115 received is not 100% inaccurate but it is misleading with intention of making it fit the needed narrative. As a middle school math teacher, I take misrepresentation of data seriously. When teaching statistics to my students, I talk to my students about asking questions when being presented with data and to watch out for being misled by data. This can be done by giving only a snapshot of certain data, not giving all the details needed about the time frame of the data, or in this case not sharing the numbers but yet using incorrect terminology to describe the overall size of the numbers. I agree that USD 115 is educating "several" Bern students. That closure occurred in 2012. A land transfer petition based on those students should have occurred many

years ago. I do not believe the two Wetmore students currently being educated by USD 115 requires the land transfer petition to be utilized.

Another example of misleading information in the Land Transfer Petition is when it was stated

> "No, the district does not have such a policy and has accepted a vast majority of the USD 113 students residing in the proposed transferred land for several years. However, due to the influx in students residing in patrons of USD 113, the receiving district USD 115 is operating at capacity and had to decline enrollment to 10 out-of-district students in the 2022-2023 school year."

It was also stated

> ". . . while USD 115 has had to pass bond issues to support out-of-district students, USD 113 has cut ad valorem taxes due in part to the tax revenue derived from the Petition Area."

Once again, these statements are not inaccurate but misleading with the intent of fitting the narrative. Yes, USD 115 has 78 students attending school from the Bern area. Yes, USD 115 has had to pass a bond issue. But it should also be pointed out that USD 115 educational facilities gained several students due to the B & B closure. This closure was voted on in 2013 and took place at the conclusion of the 2014 school year. This would have occurred after the influx of Bern students from the closure in 2012. Yes, the added Bern students helped to push the facilities to the max but shouldn't the B & B closure be thrown into the mix for the reason why there was a need for a bond issue. Not to mention, USD 115 advertised to attract the Bern students to USD 115 out-of-district instead of USD 113. Yet, USD 115 portrays that the Bern students were a great hardship for them to take on.

In conclusion, are the two Wetmore students that are attending USD 115 reason enough for this Land Transfer Petition? No, two additional out-of-district students does not constitute a need for transferring land. USD 115 chose not to pursue the Land Transfer Petition after the Bern closure and due to time statutes have lost the chance to petition based off of the out-of-district Bern students. Not to mention that USD 115 has provided misleading information to fit their narrative. Our youth are watching and learning. I do not want our youth to see misrepresentation of data as a reasonable course of action. If you were to accept USD 115's Land Transfer Petition it would be sending a message to our youth that misleading through misrepresentation of data is a suitable strategy to implore. Once again, please do not accept USD 115's Land Transfer petition. Thank you for you time.

Sincerely,

Heather Schremmer
Concerned USD 115 Patron

Cheryl D. Austin

From: Heaven Schuette [redacted]
Sent: Thursday, March 14, 2024 5:33 PM
To: 113landtransfer
Subject: USD 113 Land Transfer

To Whom It May Concern,
My name is Heaven Schuette, and I reside just East of the land that Nemaha Central would like to have transferred to them from USD 113. I'm a lifelong Bern/Sabetha resident. I'm concerned with the way USD 115 is going about trying to steal land from USD 113. I'm confident in the USD 113 Board of Education members in their attempt to reconcile with USD 115. My grandfather Donald Montgomery served as President of the former USD 441 Board of Education along with serving on the State Board of Education. I know issues like these are not easy to deal with. And they are no fun for anyone. But I believe what USD 115 is trying to do is going to set a negative standard for the entire state.

My concerns are as follows:
1. Lack of completion of land-owner survey should negate petition - 2/3 incomplete.
USD 115 (Seneca) recently conducted a land owner survey to ask landowners within the area where they would like to see their land go. However, over 2/3 of the landowners were not contacted. The majority of those who were contacted chose District 115-Seneca to send their kids to school, making the results skewed.
2. Trade is reasonable.
(USD 113 Sabetha/Axtell) spent many hours of research to come up with a trade of land that would have solved this issue. In fact the valuation in the trade favored USD 115 by over $1,000,000! USD 115 (Seneca) chose to not even consider it!
3. Capacity.
USD 115 (Seneca) passed a large bond issue to add on to their schools. Are we being asked to help pay for this? Can they support more students? One person from Bern is spreading the capacity fear by saying his children who reside in USD 113 (Sabetha/Axtell) territory will be entered into a lottery for spots in USD 115 schools. Schools WANT students---- this will NOT happen! Students are where the money comes from. If USD 115 (Seneca) cannot financially take on more students, then they should start declining out of district students!
4. One point they will make is there is no opportunity to serve on the school board where their children attend. There are many other ways to participate and if they are interested as parents, they should volunteer to serve on Site Councils, PTO, Booster Club, Room Parent, Volunteer in classrooms as well as visiting with board members about issues, attending board meetings and speaking at board meetings.
5. This could open a "can of worms" across the state. USD 113 (Sabetha/Axtell) has 123 out of district students and USD 115 (Seneca) has 123 out of district students. Many of these out of district students come from the Fairview area. Will our future BOE look to petition the State BOE to gain this land? How many other land grabs could happen?
6. USD 115 (Seneca) Chose to pass a bond issue for facility improvements (14.722 mills in FY2024). USD 113 (Sabetha) prepared for and accomplished a major remodel at SES and improvements for Axtell without a bond issue.
7. USD 115 (Seneca) chose to not pursue a petition to the KS State Board of Education in 2013 when the USD 113 Board of Ed denied their petition for land (this was the appropriate time frame to request land). There was time and opportunity to pursue land after consolidation.

8. USD 115 (Seneca) Chose and chooses to Levy LOB. This emphasizes that districts choose to levy Local Option Budget taxes.
9. USD 115 (Seneca) Chose to never levy a Capital Outlay Tax. This could be tied into their expensive bond issue. It is tied into the fact that historically they have been able to take care of their capital improvement needs by transferring from the General Fund-they are producing enough revenue through GF as well as SGF in order to take care of operational expenses as well as maintenance costs. This indicates they are a wealthy district.

I am asking the State Board of Education to DENY USD 115 Seneca the land petition.

Heaven Schuette & Ryan Schuette

Cheryl D. Austin

From: [redacted]
Sent: Thursday, March 14, 2024 5:37 PM
To: 113landtransfer
Subject: USD 115 Land & Property Tax transfer
Attachments: jhightowerschoolltr.docx

Attached is a letter regarding the transfer of my land and property taxes from USD 113 Sabetha to USD 115 Nemaha Central and my reasoning for this transfer.
Janice Hightower

March 14, 2024

Kansas State Department of Education
Office of General Counsel
900 SW Jackson St
Topeka, KS 66612

Kansas Department of Education –

This letter is regarding the Land Transfer proposal from USD 113 to USD 115. I am originally from the Bern area and am also a landowner west of Bern in Nemaha Township. I would like my land and property taxes to be transferred to USD 115 Nemaha Central.

While I now live out of the area, I have ties to the Bern and Seneca communities and have several relatives that are attending or have attended USD 115 Nemaha Central since the closure of the Bern School. I believe my property taxes should go to USD 115 where they can more directly benefit my family and the education of their children.

As a former educator, I have first-hand experience when it comes to the issues faced when educating the next generation. Removing simple barriers, such as aligning our property and taxes with the district that our children attend can only help with these efforts.

Thank you for considering my thoughts on this issue.

Janice Hightower

Cheryl D. Austin

From: Holly Meyer [redacted]
Sent: Thursday, March 14, 2024 7:04 PM
To: 113landtransfer
Subject: Land Transfer Petition
Attachments: USD 113 Land Transfer.docx

To Whom it May Concern,

Please accept my letter about the petition filed by USD 115, regarding the land transfer from USD 113.

I would appreciate some form of response (email or text) acknowledging that my letter has been received.

Thanks,
Holly Meyer
[redacted]

Kansas State Department of Education
Office of General Counsel
900 SW Jackson St.
Topeka, KS 66612

Dear Kansas State Department of Education,

With the recent petition filed, to transfer land from USD 113 to USD 115, and the upcoming public hearing to be held in Bern, on Friday, March 22, 2024, we would like to express our support for dismissal of this petition. With one of us being a former teacher in both Bern and Sabetha Schools (and currently a paraprofessional at Sabetha Elementary), we care deeply about how this could impact our schools and students. We own land in the petitioned area and are life-long residents of the Bern community. Our three children all attended Bern Schools, with one graduating there, and two graduating from Sabetha. We also have grandchildren who will be attending Sabetha Schools in the near future.

That being said, we are deeply concerned about the negative effects USD 115's petition could have on our district. Substantial amounts of land (once belonging to our old district, USD 488, and now part of USD 113) are at stake. We believe these three points (among many others made by our local school board) need considerable thought and attention in the decision-making process:

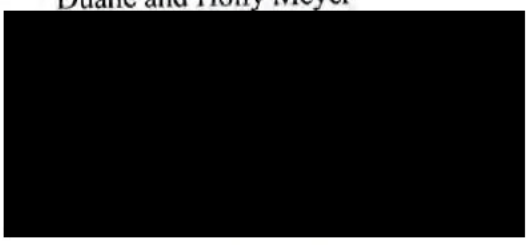
- Back in 2010, the former USD 442 (now USD115) **chose** to turn down the offer of consolidation with the former USD 488.
- The former USD 441 (now USD113) **accepted** it. A vote was held on May 25, 2010, with 61% majority in 441 and 82% majority in 488 **approving** it. This resulted in a legal consolidation and the formation of USD 113 Prairie Hills.
- In the last year, USD 113 offered a reasonable trade with USD 115, concerning the land closer to their school. The valuation in the trade favored their district by over $1,000,000, but wasn't even considered!

We ask that you dismiss this petition, so that local control of education can be honored, and our district can move on with the most important task at hand ~ the education of our children!!

Thank you all for your service to the students of Kansas, as you make decisions regarding their best interests. Your time, effort, and knowledge given to the field of Education do not go unnoticed and are appreciated by all!

Sincerely,

Duane and Holly Meyer



Cheryl D. Austin

From: Alan Haverkamp [redacted]
Sent: Thursday, March 14, 2024 8:02 PM
To: 113landtransfer
Subject: Land transfer confirmation

Kansas Department of Education,

Sending this email to confirm our support for the USD 115 requested land transfer.
We live and own property in the current USD 113 area to the west and northwest of Bern.
Our son Curt and wife Megan also live in this area and have two young children that will be affected by your land transfer decision.
From where we live, it is a 15 minute drive via State Hwy 63 to the Seneca USD 115 Nemaha Central school.
To get to the USD 113 Sabetha school, it is a 30 minute drive, with most of it being on a County road.
The majority of our business and personal shopping is done in Seneca.
Our grandchildren will be going to school at Nemaha Central if at all possible due to afore mentioned reasons.
It is only logical that the property in this area should be transferred to USD 115.
Please use your common sense and good judgement in granting USD 115 the requested land transfer from USD 113.
Thanks

Alan and Ronda Haverkamp
[redacted]

Cheryl D. Austin

From: Donna [redacted]
Sent: Thursday, March 14, 2024 8:04 PM
To: 113landtransfer
Subject: Land transfer

Sent from my iPhone My name is Donna Rottinghaus and I object to the land transfer per Nemaha Centrals petition. It will bring a hardship to many people with an increase I taxes!!
Sincerely,
Donna Rottinghaus

Cheryl D. Austin

From: Terryand Norma Stallbaumer [redacted]
Sent: Thursday, March 14, 2024 8:15 PM
To: 113landtransfer
Subject: Usd113 land transfer

Dear members of Ks. State Board Of Education, it has become a very deep concern to see where the Land conflict between USD 113 and USD 115 has taken us. We feel that our Childrens Education has taken a back seat to all the controversy going on.When it should be uppermost in EVERYONES plan. Definitely not One big District 115 trying to Gouge a smaller district 113 for the sake of Money.

Has it been considered that Nemaha Central would not even have the capacity for more students to teach if they do win .

Proper educating of all,our children should be what everyone is focused on Responibily. Dist. 115 has consistently denied many out of district students in the past NOW suddenly money is within their reach and they are interested. And can't seem to get enough.

So many School Districts across the State are watching the Boards every move, to see your decision. If you fail to dismiss USD 115 petition, the Potential for many more State wide conflicts and Chaos could exist; only to have many more Districts attacking each other purely for financial gain. And who do you thinkwill be the biggest Loser in these conflicts OUR CHILDREN. All the squabbling amongst adults isn't beneficial to anyone. No one benefits from the tragedy of land transfers for financial gain.

Please consider carefully the Impact on our children in USD 113 in your decision. Let them be the winners not the enterprising lawyers who invited you all into our community allowing them to make decisions for our local schools.

Respectfully Yours.
PROUD USD 113 Patrons
Terry and Norma Stallbaumer

Sent from my iPad

Cheryl D. Austin

From: Larry Ronnebaume [redacted]
Sent: Thursday, March 14, 2024 8:39 PM
To: 113landtransfer
Subject: Petition by USD 115 for transfer of property

To Whom it May Concern:
Our names are Larry and JoAnn Ronnebaum from Axtell, Kansas. We would like to express our concern about the pending Petition by Board of Education of Unified School District No. 115 for Transfer of Territory. It is our understanding that the passage of this Petition will likely incur an increase in our property taxes which are significant right now. Therefore, we would respectfully request that the above Petition be denied. Thank you for your consideration.
Larry & JoAnn Ronnebaum
[redacted]

Cheryl D. Austin

From: Kevin Bergman [redacted]
Sent: Thursday, March 14, 2024 9:05 PM
To: 113landtransfer
Subject: Land transfer

I am writing to support the transfer of land from usd 113 to 115. 115 has accepted the students of Bern. Bus routes, additional staff and other measures have been taken to accommodate the large influx of students who's families chose not attend the district who's appetite for an additional tax base influx to Sabetha cannot be full filled.

Listen to the residents who pay your way! After all you are here to serve us. At least that is how it's supposed to be. Transfer this land base to USD 115

Kevin Bergman
Seneca, Ks

Sent from my iPhone

Cheryl D. Austin

From: chelsey Huninghake [redacted]
Sent: Thursday, March 14, 2024 9:10 PM
To: 113landtransfer
Subject: Land Transfer of District 113

To whom it may concern,

I am writing this email in the regards of the petition of USD 115's of a land transfer from USD 113.

I believe this petition should be DENIED! I have a few reasons/concerns as to why

1. The closure of the Bern School has taken over 10 years ago. WHY now is it that USD 115 is wanting the land from that closure? IF the petition was approved, what kind of precedent would it be setting for the future closures? OR would other it open it up for other districts to want to do a land transfer or have the district lines redrawn? I see this could end up having a snowball effect.
2. Would USD 115 have the capacity to educate all of the children in the requested area, based on the past denials of out of district students? If they don't have the capacity to educate all the students NOW, how would they be able to educate all of the students?
3. Prairie Hills 113 and Nemaha Central 115, BOTH reported 123 out district students for the 2022-2023 school year, KSDE reported. Not only is that the SAME number of students, but open enrollment, if districts have the capacity, will be a legal requirement starting the 2024-2025 school year. Which brings me back to reason #2. If they were denying out of district students already, they would STILL be turning students away because they don't even have the capacity to educate anymore.

I strongly encourage you to DENY the petition for the land transfer. As a resident of District 115, I feel they are being greedy. IF the land in the petitioned area was that important, why did they NOT try to obtain it years ago? To me the closing of Wetmore, a school closing that did NOT have much of an impact on the number of students enrolled in District 115, therefore, they should NOT be trying to make it about them now.

SIncerely,
Chelsey

Cheryl D. Austin

From: Frank Niehues [redacted]
Sent: Friday, March 15, 2024 6:49 AM
To: 113landtransfer
Subject: Land transfer

I support transferring land in the Bern area to USD 115 because most of the students in that area are going to Nemaha Central.

Cheryl D. Austin

From: Deb Meyer [redacted]
Sent: Friday, March 15, 2024 9:31 AM
To: 113landtransfer
Subject: 113 land transfer

Good Friday Morning,
I am sending this message to support the land transfer from USD 113 to USD 115 as proposed. My husband and I own land in the old 488 district and feel that our taxes should be supporting the school our grandchildren are attending. Since the closing of the Bern school our children have chosen to send their children to Nemaha Central. The boys and their families live West of Q road, one on 200th road and one on 192nd. Every family along 200th road West of Q are sending their children to Seneca. There is not even one child going to Sabetha. We have two boys and each have two children currently attending Nemaha Central. The boys both own land in the Sabetha district and will always be paying taxes to that district. The land that we own will someday be theirs and not only do we feel that the taxes from our property should be going to Nemaha Central but the boys strongly feel that way too since all of their children will be going to school there.
I appreciate the work that you have put in and the consideration you have given to this project. I know there are some irate residence who want to run the show here. Most are people who grew up in Sabetha and went to school there. To me that is not a reason to short Seneca on land taxes they should have been getting for the last 10 years.
Thanks, Deb Meyer

Sent from Mail for Windows

Cheryl D. Austin

From: Jenny Wood [redacted]
Sent: Friday, March 15, 2024 9:31 AM
To: 113landtransfer
Subject: Fw: Land Transfer

I am writing to express my wish to have all the land around the community of Bern transferred to the USD115 District. The majority of kids go to school at USD 115 and have for years(my children included who are currently 6th and 9th graders)---it is not right that USD113 is getting tax dollars for our area while not educating the majority of the children. They do not deserve the money while another district is paying for our children's schooling. USD113 has only shown interest in making the Sabetha school bigger and better while shutting down the smaller schools>it will continue until they have the majority of the land and tax dollars while only educating a fraction of those kids in the area—IT IS NOT RIGHT!

Please research and investigate the school board USD 113 initiatives on why they are fighting so hard to keep these dollars and make the boundaries of USD 115 in line with where the majority of BERN kids are going to school at. USD115 deserves fairer boundaries for their district!

Jennifer Wood
Financial Accountant/AR Supervisor

[redacted]

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M : 1-785-294-0626
T : 1-785-284-6605
E : je.wood@schenckprocess.com

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Cheryl D. Austin

From: Matthew D. Garber [redacted]
Sent: Friday, March 15, 2024 9:57 AM
To: 113landtransfer
Subject: Patron Input

Hello,

My name is Matthew D. Garber. My wife, Kim, and I live in Sabetha and our three kids have attended USD 113 schools. I have worked in the school system since 1996.

I have been a front seat witness to the challenges of smaller school districts in the state of Kansas over the years with enrollment issues and state revenue issues.

USD 441 went through the difficult process of a consolidation and several building closures as USD 113. We have followed all policies and procedures set before us in these matters. The process has been difficult with emotions on all sides. People have had the opportunity to make these decisions which impact both the present and the future.

USD 442/115 chose not to consolidate with Axtell/Bern/Summerfield. Yet, they actively recruited students from the Bern area after we consolidated with Bern (Not accepting all that were interested). They then consolidated with Baileyville, with all of these students attending the buildings in Seneca. There were no petitions for land transfer from the Bern area until years later after Wetmore was closed and two students from Wetmore attended USD 115. This building closure did not have any forced 'impact' on their district. Nor, did any of the prior issues listed above in which they actively gained and recruited students.

USD 113 has operated in good faith and made a land trade proposal between #113 and #115 that was rejected.

The democratic process has been followed while allowing for local control, which benefits all school districts and Kansans.

We are not in support of this land transfer.

Thanks,
Matthew and Kimberly Garber

Cheryl D. Austin

From: Kristin Haverkamp [redacted]
Sent: Friday, March 15, 2024 11:11 AM
To: 113landtransfer
Subject: Land transfer

Hello!

My name is Kristin (Haverkamp) Klug and I was a student in the last graduating class of Bern High School in 2012.

When the decision to close our school was made, it was very hard. It was hard sitting there as an 18 year old along with my classmates and friends while they voted to shut our doors with just over 2 months of school left. We didn't know that the last football, volleyball and basketball games had already been played for the Bern Indians.

Talks of where all the underclass men were going to go to finish school began and I remember being asked where I would go if I was a junior or sophomore or freshman and immediately I said Seneca. Not out of spite or bitterness, but I lived 12 minutes from Seneca and almost 25 minutes to Sabetha. A lot of my extended family lives there and cousins that go to school there. It's where my parents do their grocery shopping, where we doctor and go to the dentist—there really wasn't a question about where I would have gone had I been in that situation. And at the time we didn't think it mattered because it was said that we got to pick where we wanted to go to school.

I work with small children everyday, whether it's my own 2 children or the kids I work with at school and everyday I tell them that their words matter because they do. Even though my son is not quite two the words he uses to me or his friends matter. I want him to grow up and know that when he speaks he is being heard and that when I am speaking to him and telling me something that I keep my promise. Because even though he is little he knows when I have said something and I haven't followed through on my promise. And I want my words to mean something to him and his sister so I make sure that I follow through with that promise when he reminds me.

It's hard for me to look back and see the words that were spoken 12+ years ago and see that promise still not fulfilled. We except so much out of young kids/high schoolers and tell them to speak up and use their words all the time. Well it's been 12+ years for the people of Bern speaking up and wanting this land transfer to go where their kids actually go to school. While I don't live on Bern now; I do have family that still lives there and nieces that live there and knowing how much easier it would be and how much they want to go to Nemaha Central, but because Bern is still in Sabetha's district they might not get to go there without this land transfer.

We have been to many of games at Nemaha Central and watched many of my cousins compete at different events over the years and it would be nice to have them be able to say that they are an in district student. It's been a long time coming and I don't know about you, but I can't tell my kids that what they say doesn't matter or to not fight back when something was promised to them. That's not how I want my kids to be raised and I hope you wouldn't either!

Cheryl D. Austin

From: Kristin Haverkamp <[redacted]
Sent: Friday, March 15, 2024 11:13 AM
To: 113landtransfer
Subject: Land transfer

Hello!

My name is Kristin (Haverkamp) Klug and I was a student in the last graduating class of Bern High School in 2012.

When the decision to close our school was made, it was very hard. It was hard sitting there as an 18 year old along with my classmates and friends while they voted to shut our doors with just over 2 months of school left. We didn't know that the last football, volleyball and basketball games had already been played for the Bern Indians.

Talks of where all the underclass men were going to go to finish school began and I remember being asked where I would go if I was a junior or sophomore or freshman and immediately I said Seneca. Not out of spite or bitterness, but I lived 12 minutes from Seneca and almost 25 minutes to Sabetha. A lot of my extended family lives there and cousins that go to school there. It's where my parents do their grocery shopping, where we doctor and go to the dentist—there really wasn't a question about where I would have gone had I been in that situation. And at the time we didn't think it mattered because it was said that we got to pick where we wanted to go to school.

I work with small children everyday, whether it's my own 2 children or the kids I work with at school and everyday I tell them that their words matter because they do. Even though my son is not quite two the words he uses to me or his friends matter. I want him to grow up and know that when he speaks he is being heard and that when I am speaking to him and telling me something that I keep my promise. Because even though he is little he knows when I have said something and I haven't followed through on my promise. And I want my words to mean something to him and his sister so I make sure that I follow through with that promise when he reminds me.

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Cheryl D. Austin

From: Ross Mosteller [redacted]
Sent: Friday, March 15, 2024 12:11 PM
To: 113landtransfer
Subject: USD 115 Land Transfer Request
Attachments: Written Testimony March 2024.pdf

To whom it may concern;

Attached to this email is my written testimony in support of the land transfer request of USD 115. Please let me know if there are any questions or concerns. Thank you for this opportunity.

Ross E Mosteller

March 14, 2024

TO: Scott Gordon, Hearing Officer

RE: USD 115 Petition to Transfer Territory

Mr. Gordon and members of the State Board of Education;

Thank you for hearing this testimony and sorting through all the information to make an informed decision for our region. My name is Ross Mosteller, I live in the petitioned area west of Bern and I'm a proud parent of three students in Nemaha Central Schools. This is an important issue for our family, particularly with the open enrollment law going into effect during our twin's senior year and their "non-resident student" status. I'd like to share a story with you, the story of our family, which is really the story of many Bern families.

Our young family moved back to the Bern area in 2010, which happens to be the same year that the USD 488 and USD 441 consolidation vote happened. The very thought of consolidation with Sabetha/Wetmore seemed strange to me, because of the geographic nature the consolidated district would become and because we live 5 miles from Bern, 9 miles from Seneca, 19 miles from Sabetha and only 15 miles from a school in Pawnee City Nebraska. At that time the B&B school would have been 16 miles, all closer than Sabetha. My wife and I work in Seneca, we shop in Seneca, we have family in Seneca, although a proud fifth generation Bern resident, we are very connected to Seneca. Most of the families in our neighborhood share a very similar story.

I was one of the 40ish percent of patrons who voted against the 488/441 consolidation. In my opinion then, it would be better for the 488 district to dissolve and naturally be split between Seneca and Sabetha, versus having most of the Bern/488 territory being more closely aligned to Seneca, being pulled east. It is very likely that a natural split would have occurred very close to the proposed transfer area, and we could have passed the blame on to the state, not our neighbors. Bern residents went to the polls with the school administration promise that if the Bern school could not maintain viability during the five years of locked in funding and be closed, "land could follow the students". This was a promise repeated to our community many times in many places. My twins were enrolled in pre-school in Bern in the fall of 2011 and completed one year in Bern before the attendance center was closed in 2012. Since that point in time, they and their younger sister have attended Nemaha Central as out of district students.

My neighbors and myself assumed the USD 113 administration and board of education to hold true to the promise to "*let land follow the students*". We spoke with Mr. Stones, organized one transfer request of the 159 landowners (*per his guidance*) and presented this documented information to the USD 113 BOE. Little did we know their attorney would advise them the same night that this was not a legal obligation of the Board, the request would have to come from the receiving district, and we should be dismissed. Now knowing this, we approached USD 115 in May of 2012, presented our findings to the BOE and were told that it would be best to wait until after the official enrollment count in September of 2012 to confirm that our families would do as we said and attend school in Seneca.

Following the official count in September, we found out that of the 111 remaining Bern students, sixty-three (63) attended USD 115 area schools (Nemaha Valley - which is now Nemaha Central/SPPS) for fifty-seven (57%) percent of total youth. Thirty-nine (39) attend USD 113 area schools (Axtell, Prairie Meadows Private School and Sabetha) for thirty-five (35%) percent of total youth. Nine (9) or eight (8%) percent went out of the two school district areas being dispersed to Pawnee City, other schools farther away or chose to homeschool. This well illustrates how the school closing fractured our community. The number of students attending Nemaha Central in the past 12 years has only grown, and at the same time, the number attending Prairie Hills (Sabetha campus only now) has declined.

Using this information, USD 115 made a land transfer request to USD 113 for what seemed to be a logical split, O road on the edge of Bern and west. Bern was left with only one representative on the consolidated board of education, and he provided much data and reasoning as to why the O road line made sense. In the end, the proposal was voted down by 113 by a 5-2 vote. We were told to come back when the students are sure to have settled into their new schools in a few years. I now know that was most likely a hedging mechanism to buy time to say we were now too late. I personally was told by many in Sabetha that I would "see the light and what a good thing our family is missing" and we would transfer to Sabetha where we would "*be proud to be a Blue Jay*". That didn't' happen with my family, or any Bern family that I know of personally. Again, the pendulum has swung the other way as Sabetha has lost Bern area students in the past decade.

So why has it taken this long for Bern to return to this topic with USD 113? I have led and will continue to lead the charge for the promises made to Bern residents to be upheld. Frankly, this was exhausting work, asking the giving District to give up what they now had, with no other reason than it being the right thing to do for families, is a difficult request. Secondly, Bern lost our one representative on the BOE and ever since have been "represented" by a loyal Sabetha patron, given the BOE member district representation areas and USD 113 voting structure. Third, the USD 115 superintendent at the time said he would not encourage his BOE to *"fight for the Bern territory"*. Finally, when I contacted the Kansas Department of Education in 2013 for help, I was told, "*as an individual, I could do nothing about redistricting boundaries and that it simply doesn't happen.*"

Fast forward to 2023 and USD 113 closing their third attendance center since they formed in 2010 – Wetmore and USD 113 offering to transfer land "*from the southern portion*" of the district to the receiving district – Jackson Heights because "*geography matters*". Our landowner group revisited this issue with USD 115, who has new administration and a BOE that sees that Bern is fully committed to Nemaha Central. USD 115 has been nothing but welcoming, student focused and accommodating to all Bern families (frankly B&B families as well) for almost 12 years now. They changed school name, colors, mascot, gave B&B one year to celebrate "finals" and encompassed the traditions of schools making up Nemaha Central into the structure of who they are. All things that matter in such difficult times. All this was done without the support of local tax dollars from Bern.

That's a long story, but it is an important one to share and understand. This has gotten lengthy, so let me boil it down to what I, and most residents in Bern, view this request to be about.

- **Keeping promises** of *"letting the land follow the students"* as we went to the polls, questioned in public school closing talks, heard as Bern school staff members and got in directly from administration of USD 113 in conversations. Not to mention the fact it was discussed in the consolidation agreement.
- **Students** matter and for the majority of Bern families, our students attend school in Nemaha Central because of the connection to the Seneca community in family, work, worship, trade, health care, etc...
- **Geography** is important and is a determining factor for families in deciding where best to send students. This isn't simply due to being closer to a school and liking it more. Our closest school and the heart of the community was cleaved out of being an option, so family by family decisions had to be made. USD 115 has run a bus into and around Bern (without funding reimbursement) since 2012-13.
- **Representation** matters! This very likely is the biggest issue for me personally, especially with the lottery system related to open enrollment. Our families attending Nemaha Central have been contributing, supportive and engaged, but we can't vote on issues – like the bond that just got passed because of student growth. Additionally, we don't have school board representation – of course Bern truly doesn't on USD 113 either anymore. I recently had a failed campaign for USD 113 BOE – but I ran with the hope of giving representation back to Bern. Not having a voice is a diminishing feeling. This redistricting request rebalances this scale that has been out of balance for some time.

Thank you again for listening and sorting through this important issue for the people of Bern.

Sincerely - Ross E. Mosteller [redacted]

Cheryl D. Austin

From: Leo Niehues [redacted]
Sent: Friday, March 15, 2024 12:19 PM
To: 113landtransfer
Subject: 113 land transfer

I think that it is only fair to transfer the Bern area land to USD 115 because the majority of the students in that area are going to Nemaha Central.

Cheryl D. Austin

From: Jackie Swart [redacted]
Sent: Friday, March 15, 2024 1:06 PM
To: 113landtransfer
Subject: Land transfer

To the Kansas Board of Education,

I would like the Kansas Board of Education to take our written testimony into consideration during mediations over the land transfer dispute between the USD 115 and USD 113 school districts. As a landowner of 600 acres that resides in Adams Township in Seneca, it is my family's intent that our land transfers from the USD 113 school district into the USD 115 school district.

In its infancy, our generational family farm resided in the Goff district, which eventually transferred to the Wetmore district. Years later, around the time Bern's school sadly closed, our land transferred into Bern's district. I don't need to inform you that Wetmore and Bern no longer exist, but it's clear that consolidation didn't yield any long-term positive results for either of these communities. While it can't be proven, and today would be considered here say by the naysayers, there was a widespread belief after the closure of Bern that Sabetha would consider releasing land to Nemaha Central for families who didn't send their children to Sabetha. Obviously, that didn't happen, and the events that led to today's potential land transfer began quite some time ago.

As a child I attended Wetmore schools; however, when I became a parent, my wife and I chose to send our children to Nemaha Valley, which eventually consolidated, working together with its neighboring communities, to form Nemaha Central, a district that welcomes many students from the Bern district, including some of my grandchildren. Location and long-standing community ties make joining the USD 115 district the responsible choice.

It is obligatory that our property tax dollars support the educational needs of the district in which our children and future residents attend. It is a safe assumption that continued generations on this farm will send their children to Nemaha Central, again, due to geographical closeness and investment in the Seneca community. While it's understandable that the Sabetha school district would wish to retain the income gleaned from property taxes to benefit students attending the district, it is unethical to keep that which was never truly theirs to begin with.

Best regards,

JM Swart

Sent from my iPhone

Cheryl D. Austin

From: Eliza Edelman [redacted]
Sent: Friday, March 15, 2024 11:41 AM
To: 113landtransfer
Subject: Let Bern be Free!

In regards to the land transfer petition of the Bern area out of usd 113 to usd 115, please get it done! It's long over due. Not one single kid from that area should have to pay the price of Sabethas greed. USD 113 has benefited for the past 12 years from unearned revenue, to land tax dollars. Tax dollars of land owners whose kids go to usd 115. Send that money to the school that is actually educating these kids!

Thank you!
Elizabeth Burdiek

Sent from Yahoo Mail for iPhone

Cheryl D. Austin

From: Kristy Wilhelm [redacted]
Sent: Friday, March 15, 2024 1:56 PM
To: 113landtransfer
Subject: Land Transfer from USD 113 to USD 115

To Whom It May Concern,

I am a lifetime USD 115 resident and I would like to voice my support for the currently proposed land transfer from USD 113 to USD 115. Nemaha Central has been educating a majority of the Bern area kids ever since their school was closed. The fact that the state aid money for those kids are not actually going to the school they are enrolled at is baffling to me. Please do the right thing and allow this land transfer to go through.

Thanks,

Kristy Wilhelm

Cheryl D. Austin

From: Chad Strathman [redacted]
Sent: Friday, March 15, 2024 1:56 PM
To: 113landtransfer
Subject: 115 petition

I have lived in the Bern community all but 4 years of my life. We were told when they chose to close our school our tax base would be able to follow our children. One of many lies told over the years. Our 3 children ages 11, 11, and 8 have attended Nemaha central since day one of their schooling. We would like for them to be able to stay in 115 for many reasons. We as land owners and also a business owner in the Bern city limits would like to have our taxes base follow our children to the 115 school district.

Thank you

Chad & Becky Strathman

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Cheryl D. Austin

From: Brent Lortscher [redacted]
Sent: Friday, March 15, 2024 2:11 PM
To: 113landtransfer
Subject: Request of former board member regarding Bern land transfer

To whom it may concern,

Thank you for your consideration reviewing the land transfer request for our Bern patrons.

I was a board member with USD 488 Bern/Axtell/Summerfield back when we first entered into discussions with neighboring districts regarding potential consolidation. I was also a member of the transition Board and then finally as a member of the 113 Prairie Hills Board. Lots and lots of "fun" over those 8? years.... 😊

During negotiations with the Sabetha/Wetmore district, we obviously had many public meetings. These meetings were led by Dennis Stones, Superintendent for Sabetha/Wetmore. The Bern/Axtell/Summerfield superintendent was planning to retire, so it was very well known that Mr. Stones would be leading the new district, of course pending a majority vote by the patrons of both districts.

Geographically, the "east" side of Bern is closer to Sabetha, however the "west" side of Bern and all of Axtell/Summerfield are much closer to other, out of district, K-12 facilities. For this reason, one of the largest concerns patrons voiced was: (paraphrased) **"If our school closes, will we be able to transfer our land to the new district that our children will be closest to?"** On every single occasion that I can recall that question asked, Mr. Stones' reply was: (paraphrased) **"If your school closes, you can take your kids and take your land"**. It was with this promise that the patrons of 488 Bern/Axtell/Summerfield went to the voting booth with. It was this same promise that Bern patrons came to 113 Prairie Hills Board after Bern's closure asking to have their land transferred. I was still on the Board when these requests were denied with the only reason being "It is too soon to make a decision".

My stance is the same today as it was in 2012: "The decision should not be IF land should be transferred, the decision needs to be WHERE the line of transfer should be located". I commend the current 113 Prairie Hills Board for offering land transfer for the "south" Wetmore patrons after their school closure. I fully understand the difficulty determining the location of the line. I also know it is impossible to please every patron. In my opinion, the "west" side of Bern deserves exactly the same dignity as the "south" side of Wetmore received from the current Board.

During all my time as a board member, I never recall hearing a general agreement on where the Bern line should be drawn. Prior to consolidation, I stated my opinion on multiple occasions. My opinion at that time (2008/2009?) was that O Road made logical/rational sense because O Road determines if ambulance or fire department mutual aid comes from Seneca or Sabetha. This line would also allow the City of Bern to remain with Prairie Hills which was the district willing to give Bern a chance.

I kindly request that the "west" side of Bern be transferred to 115 Nemaha Central.

Thank you so much for your time and consideration.

Brent Lortscher
[redacted]

Cheryl D. Austin

From: Mike Althouse [redacted]
Sent: Friday, March 15, 2024 2:58 PM
To: 113landtransfer
Subject: USD 115's land transfer petition

Members of the Kansas State Board of Education:

We are patrons of USD 113. We both graduated from Sabetha High School, within USD 113, & we still live in Sabetha. Our 3 sons also graduated from Sabetha High School. I respectfully urge you to dismiss USD 115's petition to take substantial amounts of land from USD 113 for the following reasons:

—Nemaha Valley USD 442 declined the opportunity to consolidate with Bern/Axtell/Summerfield USD 488 in 2010. What has changed for them?

—We understand that if this requested land transfer is granted it would reduce local property taxes for USD 115, but the taxes would have to be increased for the rest of the state. This doesn't seem fair & equitable.

—As this procedure has never been done before, this land transfer action would set a precedent, causing more statewide chaos with the Kansas State Board of Education.

Thanks for your consideration.

Regards,
Mike & Yvonne Althouse

—
Sent from my iPhone

Cheryl D. Austin

From: Derek & Amber Deters [redacted]
Sent: Friday, March 15, 2024 3:40 PM
To: 113landtransfer
Cc: Todd Evans
Subject: Not in Favor of Land Transfer

To Whom it May Concern:

We are NOT in favor of the land transfer petition put forth by Nemaha Central USD No. 115.

Residents of USD No. 488 overwhelmingly voted to consolidate with USD No. 441. Consolidation included land, buildings, students, etc. Consolidation included risk and reward on the part of both districts. At the time of this consolidation, residents of USD No. 488 Bern-Axtell-Summerfield were well aware that they were in dire need of consolidation to have any hope of keeping any of their schools open. They were also well aware that the eventual result of this consolidation might be the closing of schools. Despite this knowledge, they voted overwhelmingly in favor of the consolidation.

When USD No. 113 chose to close the Bern School, numerous families chose to send their students to Seneca. The time to petition for land transfer was then. That time has passed. Now, many of those families or land owners send their children to Sabetha schools. Some of the same patrons who were upset at that time have - with time - come to accept the necessity of that decision.

This petition from USD No. 115 Nemaha Central has no foundation in FACT, but only in obscure assumptions. They are preying upon what our districts "look like." The lines are all crooked. It seems that they should be a little straighter, a little bit more in the shape of a square - right? Wrong. A decision by the State Board in favor of this petition would have far-reaching consequences. If the State Board approves this petition, is the State Board then prepared to go into every school district in the state to straighten the crooked lines?

We are NOT in favor of approval of this petition, or ANY compromise of it. The time for transfer has passed. The time for mediation has passed.

Thank you for your time.

--
Derek & Amber Deters

"Consider it all joy..." -James 1:2

Cheryl D. Austin

From: Karla Kramer [redacted]
Sent: Friday, March 15, 2024 4:04 PM
To: 113landtransfer
Subject: Support of land transfer to #115

To Whom It May Concern:

My name is Karla Kramer and I am an alumni of Bern, a future land owner in the old Bern district, as well as an 18- yr veteran teacher at Nemaha Central. I have witnessed the closing of Bern school in 2012 and the fallout since then. I think that we can all agree that, although Bern misses having a school in their community and it has hurt the vitality of the community, the kids are getting along fine at their respective schools. We can move past that. Now we find ourselves in a position where the majority of families (approximately 75%) from Bern have attended Nemaha Central schools consistently since the closing of Bern, yet are unable to be a part of their district. Sabetha has been unwilling to negotiate an agreement that makes sense. A land trade proposal was given by USD #113 in which an equal valuation of land from the Baileyville area (near where I reside) should be traded in exchange for land west of Bern. This is a ridiculous "trade" as we are talking 78 students that attend Nemaha Central #115 schools in the proposed transfer area near Bern vs approximately 6-8 students from the proposed Baileyville area that attend school at Axtell. Additionally, there are students in this proposed area who currently attend Nemaha Central that you would be kicking out of the district.

I would like to take a minute to provide you with some important numbers:

78 - the number of students in the proposed transfer area that attend Nemaha Central schools. This is a number that has been questioned time and time again by #113 school and patrons as being inflated, skewed, or simply not accurate. As I walk through the hallways of Nemaha Central, I'm telling you that this number is 100% accurate. I know these families personally and I see their faces at Nemaha Central. This is where they have chosen to send their children and this is where they feel at home. I have heard Sabetha say, "we are willing, ready, and able" to accept the Bern students into our schools. That's great for those that geographically that makes sense for, or for those parents that work in Sabetha and it's more convenient, or for those that have ties to the Sabetha community. However, on the flip side, nearly 75% of the Bern population are sending their kids to Seneca for these same reasons! YET, those families have no voice in school board elections, bond issues, etc. AND their tax dollars help fund projects that benefit the Sabetha school NOT Nemaha Central.

$24,220,000-
This is the amount of the bond issue that Nemaha Central just passed to add onto our school. Why? The enrollment numbers at Nemaha Central Elementary alone have grown from 287 in 2009 when we moved into the new building to just shy of 500 now. And who is responsible for that tax increase? Patrons of the #115 district- even though a good chunk of those increase in numbers comes from Bern students. USD #115 Nemaha Central has graciously taken on these out-of-district students while only receiving the base state aid per pupil to provide education to them.

Here are a couple more numbers-
9 & 11 / 19 & 26
This is the number of miles and minutes, respectively, my nieces and nephew travel to get to school at Nemaha Central vs the number of miles and minutes to get to Sabetha based upon their location in

the old Bern district. Both of their parents work in Seneca, their cousins (my kids) go to school at Nemaha Central, and they do most of their business in Seneca. Their physical address is even SENECA. So WHY would they choose to go to Seneca instead of Sabetha? Because it MAKES SENSE. This is the case for many of the families that live in Bern and west of Bern.

In 2012 when Bern closed there were people- a lot of people- that wanted their land transferred. Sabetha told Bern patrons at that time that the land could follow the students, but when it came down to following through with that promise, it fell flat. Now, 12 years later, we find ourselves with a new school board and new administration that is willing to stand up and say, "this is not right." When the Wetmore school closed, Sabetha did what was right and let some of the land follow the students to their new districts. It wasn't a trade of land, it was simply a giving up of district land to neighboring districts that took on those students from Wetmore. Why can't we do what's right for Nemaha Central as well?

Please, please consider re-drawing these district lines so that, at the very least, students who geographically live closer to Seneca can be in the #115 district!

Thank you for your time.

Regards,
Karla Kramer

Cheryl D. Austin

From: Kathryn Aberle [redacted]
Sent: Friday, March 15, 2024 5:38 PM
To: 113landtransfer
Subject: Land Transfer Petition

Members of the State Board of Education:

Thank you for the opportunity to talk to you about the land transfer petition by USD 115. I am not going to discuss finances or enrollment. I am confident that Mr. Evans will give a most thorough and accurate account of this information. I wanted to speak from my perspective as a teacher at Bern High School for four years up until the closure of the school, and now a teacher for twelve years at Sabetha Middle & High Schools. To me, the goal of a school district is to provide the best possible education for its students. I loved teaching at Bern, and I loved the community. I remember, however, a conversation among teachers in the last years of Bern being open where we concluded that even with a strong staff, our school had had to make so many cuts to try to be financially stable that students were starting to miss out on opportunities that they could have had in a more financially stable school. There was a lot of fear for families with the impending closure of their school and students having to attend a bigger school. I too had those fears when the decision was made to close Bern Schools, and I was offered a position at Sabetha High School. To my consolation, these fears were unfounded. The Sabetha community was very supportive to me, my fellow Bern coworkers who also took the positions offered at Sabetha, and to the students who enrolled in Sabetha schools. I was able to see my former Bern students thrive and excel at Sabetha High School. This same opportunity to be welcomed into quality schools has been extended to all families currently living in USD 113. USD 113 offers equal opportunities to students as USD 115. 113 is very fiscally responsible and uses taxpayer dollars effectively to provide a high quality education to its students. Families who reside in 113 but who choose to attend schools in 115 do so mostly because of family associations and locations of employment, not because of varying qualities of education. This is the same for families who reside in USD 115 and USD 415 who choose to attend USD 113. I respect a family's choice to send their children out-of-district as best fits their personal circumstances. However, I do not see local property tax recipients as something that should be affected by family associations or personal choices. Especially when the original local organization is supportive to its constituents, fiscally responsible, and effectively completing its purpose. It is my hope that the petition by USD 115 to transfer land from 113 into 115 be dismissed on the merit that land owners' tax dollars in 113 are supporting the provision of high quality education to students, which is the purpose of a public school district. Thank you for your time.

Respectfully,
Katie Aberle
English Department
Sabetha Middle School

March 13, 2024

RE: USD113 Land Transfer

Kansas tax payers should not have to pay for poor choices.

All across Kansas:

Parents **choose** to send their students to an out of district school **knowing** that their children will not have representation on the school board

Districts **choose** to turn their backs on needy, smaller schools during consolidation **knowing** that the land will to go the merging district.

These deliberate choices have predictable outcomes.

Society has come to expect bailouts for every poor decision they **choose** to make **knowing** if they make enough noise, someone will pick up their cause.

Please don't let that happen here. **Choose** to do what is fair and just **knowing** other school districts are watching and waiting to petition land from their neighbors.

Respectfully,

Susan Chandler

Susan Chandler

Cheryl D. Austin

From: Casey Stohs [redacted]
Sent: Friday, March 15, 2024 6:16 PM
To: 113landtransfer
Subject: USD113 Land Transfer

To Whom It May Concern:

My name is Casey Stohs. I grew up in Columbus, KS & graduated from USD 493. After high school, I joined the Army and after my deployment, ended up in NE KS.

The mess that has followed in our local communities because of the necessary decision to close the Wetmore school, is heartbreaking to me.

Prairie Hills (USD113) shouldn't be punished for making a good financial decision on behalf of its students, employees, constituents, and taxpayers from across the state. USD 113 was the only local district that entertained absorbing the smaller schools that were facing closure in our area when we decided to consolidate with them.

The transfer of land would also affect the equalization formula and cause taxpayers more money.

When I was in Columbus, KS – they closed (3) K-6 schools in outlining smaller communities. This was because of a drop in enrollment numbers and cost per student. Once the students were going to be in 7th grade, ideally they would go to Columbus because that is the district in which they live. But most of those students went to other schools because they were closer or due to the parents' work. Scammon went to Southeast, Greenlawn went to Chetopa, Spencer went to Riverton. Once the older siblings were going to the different schools, their younger siblings would follow. This caused the enrollment numbers to not support having a learning center in their communities anymore. Their land lines still remain unchanged.

My sister was a teacher in St. Paul when Erie-Galesburg was going to close their school. St. Paul got in contact with the Chetopa school and decided to consolidate. The land that was St. Paul's was transferred to Chetopa because the building was left open and they absorbed the school.

With the new school choice law, the land valuation money would only follow that student if they lived within the lines of the district they attend; otherwise it would go to where it's designated.

Mr. Ney and the organizations that are pushing this petition are detrimental to public education in the state of Kansas. I would really like to see this petition dismissed because it would create a snowball effect for schools across Kansas. USD113 and USD401 Centralia could petition the state for land from the Baileyville school closure because of the students that decided to go to Axtell or Centralia. The requested petition also has some land that is already in a transfer to USD401. USD115 did not take immediate action requesting this land petition and there are USD113 students in the area. I believe enough money and time has been wasted on this issue and it needs to get back to where it belongs – OUR YOUTH!

If you have any questions, please feel free to e-mail me. Thank you for your time.

Casey Stohs

Cheryl D. Austin

From: Rachelle Wertenberger [redacted]
Sent: Friday, March 15, 2024 7:25 PM
To: 113landtransfer
Subject: Please DENY this petition!

Dear Mr. Gordon and State Board:

WHY are we here? What is this really all about?

We are here because a small minority, with loud voices led by Ms. Analissa Noe, did not get what they wanted regarding the Wetmore school closure.

If Wetmore wasn't closed. We would not be here today!

But because it was closed, Ms. Noe and others took it upon themselves to begin a long and vindictive process to do as much damage to USD113 as possible.

It's very comparable to a child who doesn't get their way and throws a tantrum.

And what do good parents do? Good parents know you shut the tantrum down. And that's what I'm asking you to do with this land petition. Shut it down.

And how do I know this is vindictive?

Because Ms. Noe said so herself... she stated in a community meeting that was called in Bern that she felt called by God to make sure justice was served and that the petition to disorganize USD113 was their "big stick" to get 113 to do whatever they wanted.

Why do Ms. Noe and others from the Wetmore community care so much about the Bern land now? It's to punish and enforce "justice" upon 113 for closing Wetmore.

USD 115 had an opportunity to consolidate with Bern and receive that land over a decade ago. Why did they choose not to? They knew closing Bern was inevitable and they didn't want to deal with it. When USD113 did consolidate and then close Bern, that would have been the time to ask for the land. Not 10 plus years later.

If Ms. Noe and others felt compelled to help the USD115 district receive more land, why did they not advocate for this years ago? Why is the timing now? Again, I suggest it's because they did not get what they wanted with the Wetmore closure.

Even the state board of education states a petition should only be presented when there is a recent material change in circumstances. There is no recent change in the Bern land area. Therefore, according to your own guidelines, this is not a valid petition.

Also, if USD115 really wanted the land, why not ask for all the land west of Bern, including the Axtell schools? If I were you, I would want to know WHY they do not want the Axtell schools? Why should a

district be allowed to pick and choose which land they want when it's convenient for them? They shouldn't.

And in regard to the Wetmore land area being petitioned. There are TWO students from that area who chose to attend 115. That is far from a recent material change in circumstances. That piece of the land petition doesn't stand either.

USD115 numbers show they are at capacity. If you are at capacity, why would you want to take on more land and students?

USD115 has also been presented with opportunities to trade land that may align better with students in respective districts. They have no interest in a trade.

Again, if I were you, I would want to know why they are not willing to trade?

Ms. Noe and the Wetmore Action Group have stirred the pot and are trying very tirelessly to do as much damage to 113 as possible. This is part of a last-ditch effort on their part, and I ask you to deny this petition.

Thank you,

Rachelle Wertenberger
2000 Graduate of USD441
Parent of two students who attend USD113
Educator and Entrepreneur

My name is David Pfrang,

I have a sister and a brother, we all graduated from the Sabetha schools.

My sister's kids and their kids have also either graduated or are currently attending Sabetha schools.

In 1961, Oneida High school closed, and at that time, Seneca moved that land into their district.

Around 1963, a group petitioned to move over to the Sabetha district. We failed the first time, as Seneca would not release us, we then tried a second time.

At the second hearing, with the help of the Sabetha school board, they released us to attend the Sabetha schools. There was however, one condition, we had to give them one rod (18 feet) of land, on the west side of the district. This was so they could have their district touching Goff, in order to connect with the Goff district, because it was pretty evident that Goff was soon too close.

My question is who mapped out, in other words, who drew the lines as to what land Seneca is proposing to take???????

The Pfrang, Georg, Hailey, and Barben families were never notified as to which district they wanted to attend, the Pfrang family has 1600 hundred acres in this area of the proposal. In this section of land, appraisals are high, because of the facilities.

One of the other families that was involved in the transfer in 1963, had two daughters that were attending Sabetha district, they have 400 acres in this proposal. The Barben/Brinkworth family has 160 areas.

Seneca is currently proposing to take 5,880 acres. In this total of acres, to my knowledge, there is only one family residing in this area that has children.

There are four sections, each section being 640 acres, where there is not one homestead!

In conclusion, I feel it has nothing to do with educating the children, but only to take the land for revenue reasons. Why would we want to pay higher taxes, so Seneca can reap more revenue. The lesson learned, history repeats itself, they grabbed us once, and now they are trying to grab us again!

I feel that it looks like they are just after land revenue and should be denied!

David Pfrang

David Pfrang

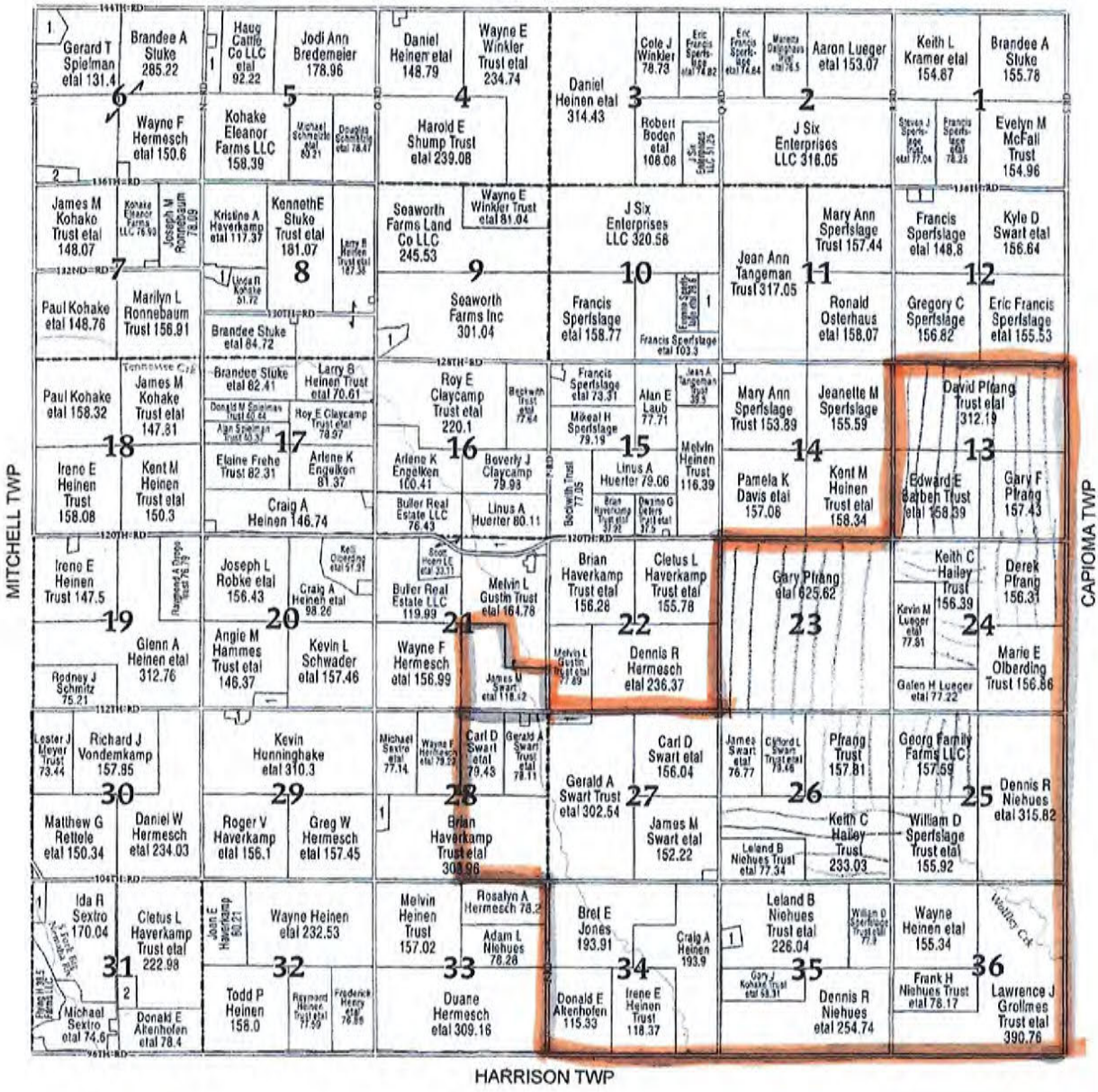
T-3-S

ADAMS PLAT

(Landowners)

GILMAN TWP

R-13-E



ADAMS TOWNSHIP	
SECTION 5	
1 HAUG CATTLE CO LLC	25.16
SECTION 6	
1 ENNEKING REAL ESTATE LLC	20.25
2 DETERS, KEVIN G ETAL	14.28
SECTION 8	
1 BURDIEK, KEVIN ETAL	8.98

SECTION 9	
1 SCHMELZLE, MICHAEL ETAL	13.66
SECTION 10	
1 SPERFSLAGE TRUST, STEVEN J ETAL	26.59
SECTION 12	
1 DETERS, RENE A	7.76
SECTION 20	
1 LUEGER, KEVIN M ETAL	10.66

SECTION 21	
1 HUERTER, LINUS A	22.47
SECTION 27	
1 SWART, TODD A ETAL	10.25
SECTION 28	
1 HAVERKAMP TRUST, CLETUS L ETAL	10.33

SECTION 29	
1 SUTHER, BRENT J	6
SECTION 31	
1 STATE OF KS	11.61
2 HAVERKAMP TRUST, BRIAN ETAL	13.55
SECTION 36	
1 NIEHUES, ADAM L ETAL	8.46

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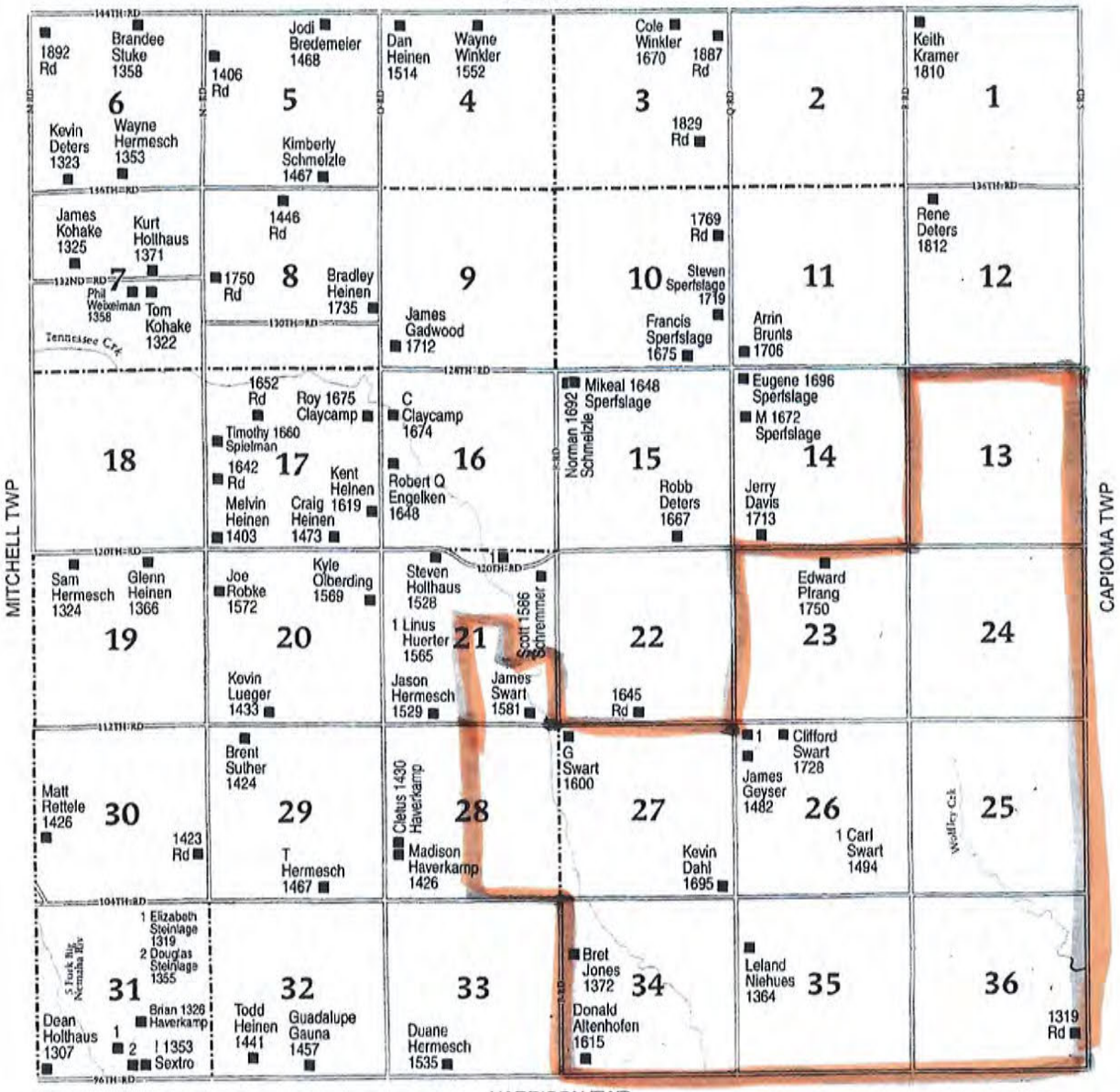
T-3-S

ADAMS DIRECTORY

(Residents - Owners or Renters)

R-13-E

GILMAN TWP



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Cheryl D. Austin

From: Lynette Strathman [redacted]
Sent: Saturday, March 16, 2024 8:02 AM
To: 113landtransfer
Subject: Transfer of land to USD 115

Dear sirs,

We are landowners located in the Berrn area. Please consider transferring our land to USD 115. Our grandchildren attend school there and have since the closure of the Bern School. Our family has land on Both sides of O road. We strongly believe that all of our land should be transferred to USD-115 As we want to help support the school that our family attends. In addition we do not currently have adequate or Fair representation on our school board at USD 113. We have no representation at USD 115 either without the transfer of land. Finally if we were part of the USD 115 School District the school bus could pick up our grandchildren at their home and drop them off there rather than to have to be picked up at one location In Bern, which is the City Park. Our fear is that one of us will be delayed in getting to the park and our kids will have to wait outside in the rain or snow or freezing temperatures until someone gets there.

Please do what is the best for our kids and what is right and Fair for landowners in the area. The current legislation regarding out of District kids is scary for us because our grandchildren are well established at USD 115 and the thought that they would have to be forcibly sent to a school not of their choosing seems to be not in the best interest of the children.

Best regards,

Lynette and Ed Strathman

Cheryl D. Austin

From: Kaleb Evans [redacted]
Sent: Sunday, March 17, 2024 2:05 PM
To: 113landtransfer
Subject: Land transfer

Because the authority of the State Board of Education to transfer land transcends the democratic process (such as elections for consolidation), this power, this authority, should only be used in extreme circumstances.

As applied to USD 115's petition to take land from USD 113,

I would be in favor of the land transfer if all of the following were met:

IF 115 was the poorer of the two districts; and

IF the transfer to 115 would better equalize resources in the State; and

IF 115 educated over 95% of the students in the petitioned area; and

IF 115 had the capacity to educate all the students in the petitioned area.

Since none of these criteria have been met, I believe granting this transfer would be a miscarriage of the authority granted to the Kansas State Board of Education through this process. Please do not overstep the intent of this authority by granting the 115 petition to transfer land in this very arbitrary situation.

Cheryl D. Austin

From: Todd Evans [redacted]
Sent: Sunday, March 17, 2024 4:48 PM
To: 113landtransfer
Subject: Against Transfer

Checks and Balances

I am a believer in the need for governmental checks and balances. It is not prudent for any one person or organization to have unlimited power.

As legislators draft bills and as organizations adopt policies, there are often incomprehensible future situations that may require intervention. The power of the State Board of Education to involuntarily transfer land from one school district to another is one such process of checks and balances. This authority is provided in the event of unforeseen and extreme circumstances.

It is important to note that this authority of the State Board of Education to transfer land, when both districts do not agree, should only be applied in very extreme circumstances. In the situation of the petition by USD 115, Nemaha Central, to unilaterally take land from USD 113, Prairie Hills, the KS State Board of Education must consider the situation as applying a very extreme level of intervention. This high level of scrutiny must occur because the authority of the KS State Board of Education to transfer land in this manner transcends the democratic process that is the basis of the United States system of government.

Consider that in the 2010 election to form USD 113, **82%** of the voters from the former USD 488 voted for consolidation. This includes electors from the petitioned area. This must be a primary consideration in the decision-making process. Extreme action by the KS State Board of Education would thwart the democratic process. This authority should only be wielded in extreme situations.

In considering a unilateral request by a school district, it would be reasonable to execute this ultimate and extreme use of authority if:

1. The land (valuation) was to be given to the poorer of the two districts; and
2. The transfer would better equalize the resources in the State of Kansas; and
3. If the receiving district educated over 95% of the students in the petitioned area; and
4. If the receiving district had published the capacity (and willingness!) to educate **all** students in the petitioned area as well as other students from out of district.

In the petition by USD 115 to unilaterally take USD 113 land, not one of these criteria have been met. In fact, in relation to #1 mentioned above, USD 115 would rise from 18.5% of the wealthiest districts in KS to the top 12.2% based upon the measure of KS wealth of school districts of average valuation per pupil.

In consideration of the non-extremes of this situation, granting this transfer would be a miscarriage of the authority granted to the KS State Board of Education. I implore the KS State Board of Education to not overstep the intent of this authority by granting USD 115's petition to transfer land in this very arbitrary situation. After placing the facts on the balance beam of justice with consideration given to superseding local control and the democratic process, it is clearly not an extreme situation warranting this level of intervention.

Todd Evans
[redacted]

Cheryl D. Austin

From: Tresa Burger [redacted]
Sent: Monday, March 18, 2024 3:24 PM
To: 113landtransfer
Subject: DISMISS THE LAND TRANSFER PETITION

Scott and Tresa Burger
[redacted]

Dear Members of the Kansas State Department of Education,

We are writing to express our strong opposition to the land transfer petition submitted by USD 115, and to provide compelling reasons why this petition should be denied. We reside in Sabetha, have raised our 4 children here, and have both worked in Sabetha schools for a combined total of 48 years. During the past several decades, our schools and communities have shared a mutual respect for each other, without the conflict of land transfer discussions that are suddenly now being raised by USD 115.

Respect for Previous Choices:
- In 2011, USD 442 (now known as USD 115) consciously chose not to consolidate with USD 488 (Bern/Axtell/Summerfield), and instead, chose to consolidate with USD 451(Baileyville) in 2014.
- When USD 488 offered consolidation, USD 442 refused, and USD 441 accepted.
- USD 115 accepted out-of-district students from Bern, clearly demonstrating the district's prioritization of state aid.
- USD 115 declined to pursue a petition for land after consolidation in 2013.
- USD 115 declined to pursue a land trade with USD 113 after consolidation with Baileyville, recognizing that students from both legacy districts attended schools outside their district boundaries.
- USD 115 consistently opts to levy Local Option Budget taxes and has never levied a Capital Outlay Tax, suggesting financial stability and ample revenue sources.
- USD 115 recently passed a bond issue for facility improvements.

Respect for the Democratic Process ;
- USD 442's decision against consolidation with USD 488 was a democratic choice.
- USD 113's formation resulted from legal consolidation with a significant majority vote from affected districts, including 82% approval from USD 488 voters, and includes much of the land currently under question.

Additional Considerations:
- There has been no "material change of circumstances" that warrant this recent demand for land. After the recent Wetmore school closure, only 2 students
chose to attend USD 115.

- If USD 115 acquires the land they are demanding, which is nearly 20% of USD 113 land, that WILL cause a "material change in circumstances" for USD 113, who will then be forced to petition the state for land transfer from other neighboring districts.
- The incomplete land-owner survey conducted by patrons of USD 115, undermines the neutrality and validity of the petition.
- The Bern community is equal distance from Sabetha and Seneca.
- USD 113 recently proposed a trade of land, which was rejected by USD 115 despite generous and fair terms. In fact, the valuation in the trade favored USD 115 by over $1,000,000.
- USD 115 countered with demands that ignore considerations that students from USD 115 district lands also attend USD 113 schools, and has no provision for a trade with land near Axtell.
- USD 113 has 123 out of district students, and USD 115 has 123 out of district students. Choosing to educate out of district students is not justification for land acquisition.

USD 115 is one of only 11% of districts in the state which are wealthy enough to not receive any state funding. USD 113 is one of the 89% who do. Giving USD 115 the land they want will increase their wealth, requiring the state to pay even more to poorer districts in the equalization process.

- The decisions made in this case have the potential to create land transfer disputes across the state, especially with the recent decision by the state to allow open enrollment among Kansas public schools.

Considering these factors, we urge you to reject and dismiss the land transfer petition from USD 115. Allowing this transfer would disregard previous choices, undermine the democratic process, perpetuate unfair practices, and potentially open the door for a cascading request for land transfers between districts across the state.

Instead, as you consider the best interests of both districts, we encourage the board to honor past choices and decisions made by school boards and patrons, and consider the logical boundaries between the communities, as well as the current motivations for this recent demand for land.

Thank you for your attention to this matter.

Sincerely,
Scott and Tresa Burger

--

--
Tresa K. Burger
SMS Science

Cheryl D. Austin

From: Matthew Sudbeck [redacted]
Sent: Monday, March 18, 2024 9:11 PM
To: 113landtransfer
Subject: Land Transfer Support Letter

First, I would like to introduce myself. My name is Matt Sudbeck and I live at [redacted] My wife, Kim Sudbeck, and I have two sons that attend Nemaha Central Schools and we support the land transfer to the USD 115 district. I would like to tell you how we got to where we are today.

I am a lifelong resident of the Bern Community, graduating from Bern High School in 2001. In 2005, I bought a farm 2 miles South of Bern on 200th Road, just a couple miles east of where my husband grew up (this is where we live now). This farm did not have a house on it, so we lived in Seneca for a few years. In 2009, we watched my youngest brother graduate from Bern. . .he was one of the last classes to do so.

In 2011, since we lived in Seneca, our oldest son, Elijah, started school at Nemaha Valley Elementary School. He was 3 years old, attending preschool 2 mornings a week. He was also placed on a speech IEP. In 2012, due to medical needs of our second son, Jordan, we started building a handicap accessible home on the farm and moved into the Bern/USD #113 school district February 2013. Thankfully, Nemaha Valley accepted our Out of District Application. Not only to allow Elijah to continue to attend school and receive speech services at NV, but also knowing that Jordan would begin school with major specialized needs. Unfortunately, Jordan passed away in early 2013 and did not attend school. Also in 2013, Land Transfer petitions were signed by Bern area residents who wanted their land transferred to USD 115. Kim and I were both patrons who signed these petitions.

In May 2014, Elijah graduated Kindergarten as a Nemaha Valley Raider; however, the following year, he was a 1st Grader at Nemaha Central as B&B and NV had consolidated to one district, one location, one name, one mascot and ONE SCHOOL COMMUNITY. Off and on, over the past 10 years, my wife has contacted the USD 115 District Office to ask about the land transfer petitions to be told by the previous Superintendent Darrel Kohlman, that they were filed with the Sabetha School District & Board of Education and that "it was in their hands now".

Fast forward to 2022 to the present date, when wind of new state legislation was being created that was going to allow for open enrollment and a lottery system of out of district students. Once again, and THANKFULLY, USD 115 administration has come to bat for the Bern and other out of district patrons, to get verbiage changed in this law; so that our established out of district students in good standing do NOT have to reapply or be placed into the lottery. Also, during this time frame our current superintendent, Tavis Desormiers, also began to seek the legal transfer of the Bern patron land into USD 115. As with other Bern parents, Tavis and Kim have had multiple conversations about the land transfer. When I asked what had happened to the ORIGINAL requests filed in 2013, he looked into it and could not believe it had been left stagnant for so long.

In this time, the USD 115 school district has also taken TWO bond issues to vote. In BOTH of these votes, NONE of the out of district patrons got to cast a vote to have any say in how the updates and upgrades to the school would be done. Our students are using these facilities, we are attending activities as fans, our students ride the buses, we care about the quality and condition of our school and the learning environment. And yet,

we can not vote to improve the school district that we attend. The Bern patrons also do not have any representation on the USD 115 School Board and yet readily accept and support the decisions that have been made on the behalf of our students.

Today, Elijah is a Sophomore and has been a part of the football, basketball, and baseball teams for NC. He is in the band and also a member of FFA. He has spent 13 amazing years at NC and we can not wait to see him graduate as the Thunder Class of 2026! Our youngest son, Miles, is a first grader and he has flourished at NC. We hope that we will be able to tell both of our boys that you LIVE in the Nemaha Central School District.

To close, I would like to THANK the USD 115 School Board, Legal Team and Administration who have all gone above and beyond to help pursue the patron representation and unquestionable admission of students from Bern. They have without a doubt put us first and stood alongside a group that has tried to pursue this goal for 10 years, in an amicable and legal route.

Sent from Yahoo Mail for iPhone

Cheryl D. Austin

From: Curt Haverkamp [redacted]
Sent: Tuesday, March 19, 2024 6:08 AM
To: 113landtransfer
Subject: 113 Land Transfer
Attachments: USD 113 Land Transfer.pdf

See attachment for my letter supporting the transfer of the Bern land from USD 113 to USD 115.

Thank you,

Curt Haverkamp

[redacted]

www.haverkampbros.com

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My name is Curt Haverkamp and I was born and raised out in the country just northwest of Bern and graduated from Bern High School in 2007. I live in the disputed area with my wife and 2 young daughters under the age of 2. It is our wish that when the time comes that our kids attend the Nemaha Central school district. I also own and operate a business with 45 employees in the affected area.

Back before the Bern school was shut down, we were promised that if something happened to the school the land could follow the students wherever they went. In 2013 after the school was closed that request was made and it was denied by USD 113. Since then, 12 years of data shows that the vast majority of the kids in the area have gone to Seneca and will continue going to Seneca in the future.

With a simple geography lesson, you can see why. In my case, my house is 15 minutes from Nemaha Central and 30 minutes from Sabetha. The road to Seneca is a well-maintained state highway. The road to Sabetha is a county blacktop that I do not want my kids driving on in winter weather. When we go out to eat, or shop, get groceries, etc. we go to Seneca because it is CLOSER. It is more convenient. Why would I double my travel time if I don't need to?

The Seneca school district has welcomed us in and supported us even though we are not technically in their district. They send buses into the Bern area even though they do not get funding for it. Their schools have had to add on several times just to keep up with growing enrollment which is partially from out of district kids. There are currently 70-80 Bern kids that attend Nemaha Central.

This land transfer needs to be about the kids and what is in their best interest. I have spoken to two board members on USD 113 privately on the phone and the only thing that they keep bringing up is how much this will hurt them financially. For the residents in the Bern area this is about right and wrong. Taking funding for kids that you are not educating is wrong.

For the kids in the Bern area that are already going to the Seneca school district there are still issues that need to be resolved. Parents of these kids do not have any representation currently. They cannot vote on anything or run for a school board position due to the fact that they are out of district. I would like to have these opportunities when my kids are in school.

The way things currently stand it is very difficult to get any representation in the Sabetha school district either. In the Sabetha school district, all patrons of the district get to vote on all board members. Not just the board member that represents your area. So, the smaller rural areas are at a major disadvantage compared to the bigger cities, such as Sabetha, when it comes to getting representation on the school board. The results of the past election are a good example of this.

With the open enrollment law coming into effect, I am very concerned that my daughters might not get the opportunity to go to Nemaha Central. Transferring this land over to Nemaha Central would remove that concern for myself and many parents of young kids in the area.

I hope after 12 years that we can finally resolve this issue and do what is in the best interest for all of the children growing up in the area. Let's transfer this land over to USD 115 where it belongs. I am more than happy to answer any questions you may have. My cell is [redacted]

Respectfully,

Curt Haverkamp

Cheryl D. Austin

From: Cheri Deters [redacted]
Sent: Tuesday, March 19, 2024 7:39 AM
To: 113landtransfer
Cc: cdeters@bbwi.net
Subject: Land transfer from USD113 to USD115

Hello KSDE,

I strongly support the land transfer from USD113 to USD115.

When the Bern school was forced to close, many of the students requested to move to the USD115 school due to their proximity and ease to get to the Nemaha Central Schools. Bern is closer to Seneca, than Sabetha or Axtell. It is only fair for the land owners/families in that area have input on how the school educates their kids.

Best Regards,

Cheryl Deters
[redacted]

Cheryl D. Austin

From: Bryan Minge [redacted]
Sent: Tuesday, March 19, 2024 11:39 AM
To: 113landtransfer
Subject: USD 115 Land Transfer

Entrusted State Board of Education Members,

I write you today to urge you to consider denying the Land Transfer request from USD 115. There a several reasons this makes no sense and sets a bad precedent.

First, there has not been a significant change involving USD 115 warranting this action. The closure of the Wetmore facility has had little impact on 115. Two students from the Wetmore area are attending 115 following the closure of the Wetmore facilities. This attempted land grab is nothing more than vengeance from the Wetmore area, coupled with a "nothing to lose mentality" from 115.

USD 115 had an opportunity to acquire this territory back in 2009, but instead decided not to consolidate with Bern-Axtell-Summerfield. When Sabetha agreed to consolidation with these schools, USD 113 was formed and the tax valuation has since belonged to USD 113. Shifting this tax base to 115 shifts the economic balance further in their favor. USD 113 already receives state aid via the Equalization Formula whereas USD 115 has been fortunate enough to function without this aid. The transfer of the tax base associated with this land transfer would mean the USD 113 would have to further rely on additional aid via the Equalization Formula.

USD 113 has offered an equal value land trade to USD 115. This would help address geographic/ distance concerns. USD 115 did not respond to this proposal. Both districts currently accept and educate 123 out of district students. There is not an excessive financial burden for them compared to USD 113.

Lastly, granting this land transfer could set a precedent that other districts in the state may follow. I can't imagine that it's in the best interest of Kansas School Districts, or the State Board of Education to make normal practice of taking land from their neighbors.

In conclusion I ask you, the members of the Kansas State Board of Education, to deny the Land Transfer Request set forth by USD 115. This decision helps to protect the financial stability of USD 113 as well as send a message to other districts throughout the state that these actions will not be supported.

I appreciate you taking the time to read my concerns.

Sincerely,

[redacted]

A Member of Combined Agents of America
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Cheryl D. Austin

From: Mindy Sudbeck [redacted]
Sent: Tuesday, March 19, 2024 12:32 PM
To: 113landtransfer
Cc: Curt Sudbeck
Subject: 113 Land Transfer

Good Morning:

Our land is in school district 115 Sabetha, in the contested area. Our children attend the 113-Seneca school district, and we would like our land transferred to the Seneca school district.

When Bern closed, we signed the petition for the transfer of the land, that was denied by the school board, and we still wish for that to happen.

Sincerely,

Curt and Mindy Sudbeck

Cheryl D. Austin

From: Laurie Wilson [redacted]
Sent: Tuesday, March 19, 2024 5:56 PM
To: 113landtransfer
Subject: please read!

Kansas State Department of Education and whom else it may concern;
My name is Laurie Wilson and I live in Bern KS. I am a business owner and landowner but have no children or grandchildren affected by the decision you will make.
Thank you in advance for your consideration of what I have to say here in support of the petition for land transfer from USD 113 to USD 115.
There are a few reasons why I am asking you to support the transfer;
#1- the distance that students travel each day to and from school. The NW portion of the old 488 district (now USD 113) is over 25 miles from any Sabetha Attendance Center, which is a very long way for young ones riding a bus or student drivers to commute daily. Although this is the furthest distance from the USD 113 attendance centers, there are a lot more students living in that part of the district that travel long ways if they have chosen to attend 113. With the proposed new lines the distance to a students Attendance Center would be somewhat similar or more equal, making it much more practical and sensible for those students. Distance is important-it is even acknowledged in the q&a article below. This is one of the reasons most of the students in this portion of the district chose to attend USD 115 from the beginning!
#2-Compounding the distance is safety. There is a substantial difference between the road to Sabetha (113), usually known as the Bern/Sabetha road or 216 Rd., which is maintained by the county, and the State Highway 71 and 63. 216th has no shoulders and no lines and is quite hazardous especially in the winter. I realize that in inclimate weather the school is closed and also that buses and student drivers can only get so far on a paved road before they need to travel on gravel.
In this Q&A article from USD 113
https://www.usd113.org/vnews/display.v/SEC/District%7CFAQ%20-%20Frequently%20Asked%20Questions%20for%20USD%20113

Q: Many tax payers do not have students currently attending school, and many who do now, will not in a few years. What criteria are used to make a determination of a fair land transfer, and are historical trends being considered in the land transfer discussions?

A: In the instance of the closure of Wetmore, I believe that a land transfer is logical. This is mostly because of the geography of the district and the likelihood that students will not attend USD 113 schools, even though we are more than willing to educate them and provide transportation. Since this decision will potentially be in effect for generations, it is important to consider future students. A major benefit to a district in having the land is that the home district receives transportation funding. There is no transportation funding for students who live out of district. The home district also benefits from revenue from capital outlay and bond and interest – although this issue is not a direct correlation because of state aid for those funds. In my opinion, looking at where students currently go to school as well as distance to attendance centers must be a part of the conversation. Where ancestral districts existed is not relevant in moving forward because the location of current attendance centers are vastly different than what existed in the past.

#3-My comment to the Q&A above- regarding the old USD 488 students who have chosen to attend USD 115-There is a likelihood that they will never attend USD 113 schools, regardless of the result of the petition, since they have literally grown up at USD 115!

#4- is representation- the out district students and their families have had no representation because they are "out of district" students.

USD 115 has been educating approximately 70 students, involved in this land transfer, per year, FOR 12 YEARS, while receiving NONE of the property tax revenue from the petitioned area and/or the area that they reside in. These out of district students have contributed to the fact that USD 115 is now functioning at capacity. In November of 2022 they passed a bond to add additional classrooms, increasing the mill levy within their district.

The burden that these USD 113 students have placed on USD 115 taxpayers must cease! It is time to redraw the "line in the sand" and with your vote to support the petition to transfer land from USD 113 to USD 115 those students and the generations to come will be fully funded and represented where they go to school!

Thank you for all you do and your attention to this most serious situation.

Laurie Wilson
[redacted]

Cheryl D. Austin

From: Joyce Schmitz [redacted]
Sent: Tuesday, March 19, 2024 7:32 PM
To: 113landtransfer
Subject: Map

Is it possible to email a copy of the map showing what land being considered for transfer between USD 113 and USD 115? We own land in the area I think is being considered and so does my mom's Trust.
Thank you,
Cyril and Joyce Schmitz
[redacted]

Cheryl D. Austin

From: 113landtransfer
Sent: Wednesday, March 20, 2024 9:44 AM
To: Joyce Schmitz; 113landtransfer
Subject: RE: Map
Attachments: Map and legals from Land Transfer Petition.pdf

A map and legal descriptions of territories requested to be transferred are attached.

-----Original Message-----
From: Joyce Schmitz [redacted]
Sent: Tuesday, March 19, 2024 7:32 PM
To: 113landtransfer <113landtransfer@ksde.org>
Subject: Map

Is it possible to email a copy of the map showing what land being considered for transfer between USD 113 and USD 115? We own land in the area I think is being considered and so does my mom's Trust.
Thank you,
Cyril and Joyce Schmitz
[redacted]

LEGAL DESCRIPTIONS FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS NO.113 AND NO.115.

NEMAHA COUNTY

TRANSFER TRACT 1 (NEW LARGE AREA) (U.S.D. NO.113 TO U.S.D. NO.115)

BEGINNING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M., ALSO BEING THE CORNER OF MARSHALL AND NEMAHA COUNTIES AND THE KANSAS-NEBRASKA STATE LINE; THENCE EAST 16 MILES ALONG THE KANSAS-NEBRASKA STATE LINE TO THE NORTHEAST CORNER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 7 MILES TO THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 2 MILES; THENCE SOUTH 2 ½ MILES; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE SOUTH 1 MILE TO THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ¾ MILE; THENCE NORTHWESTERLY ALONG THE PUBLIC ROAD TO THE EAST-WEST CENTERLINE OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST TO THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE NORTH ½ MILE; THENCE WEST 1 ¼ MILES; THENCE NORTH 1 ¼ MILES; THENCE WEST ¼ MILE; THENCE SOUTH ¾ MILE; THENCE WEST ¾ MILE TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH 1 MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE TO THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE; THENCE NORTH ¾ MILE; THENCE EAST 1 MILE; THENCE NORTH ¾ MILE; THENCE WEST 1 ¾ MILES; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE TO THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 12 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE NORTH ¼ MILE; THENCE WEST ¼ MILE; THENCE NORTH ¾ MILE TO THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 12 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE; THENCE NORTH 1 MILE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE; THENCE WEST ¼ MILE; THENCE NORTH ½ MILE; THENCE WEST 1 ¼ MILES TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 12 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE WEST ¾ MILE; THENCE NORTH ¼ MILE; THENCE EAST ¼ MILE; THENCE NORTH ¼ MILE TO THE CENTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE WEST 1 ¼ MILES; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE TO THE CENTER OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE NORTH 1 ¼ MILES; THENCE WEST ½ MILE; THENCE SOUTH ¾ MILE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE TO THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 4, TOWNSHIP 1 SOUTH,

RANGE 11 EAST OF THE 6TH P.M.; THENCE WEST 2 ½ MILES TO THE MARHSALL AND NEMAHA COUNTY LINE; THENCE NORTH ½ MILE ALONG SAID COUNTY LINE TO THE POINT OF BEGINNING.

THE ABOVE CONTAINS 69.30 SQUARE MILES, MORE OR LESS.

TRANSFER TRACT 2 (NEW MEDIUM AREA) (U.S.D. NO.113 TO U.S.D. NO.115)

BEGINNING AT THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 4 MILES TO THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST 2 ½ MILES; THENCE NORTH 1 MILE; THENCE WEST 1 MILE; THENCE NORTH 1 ½ MILES TO THE CENTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE EAST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE EAST 1 MILE; THENCE NORTH 1 MILE TO THE NORTHWEST CORNER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 1 MILE; THENCE NORTH 1 MILE; THENCE EAST 1 MILE TO THE POINT OF BEGINNING.

THE ABOVE CONTAINS 9.20 SQUARE MILES, MORE OR LESS.

TRANSFER TRACT 3 (NEW SMALL AREA) (U.S.D. NO.113 TO U.S.D. NO.115)

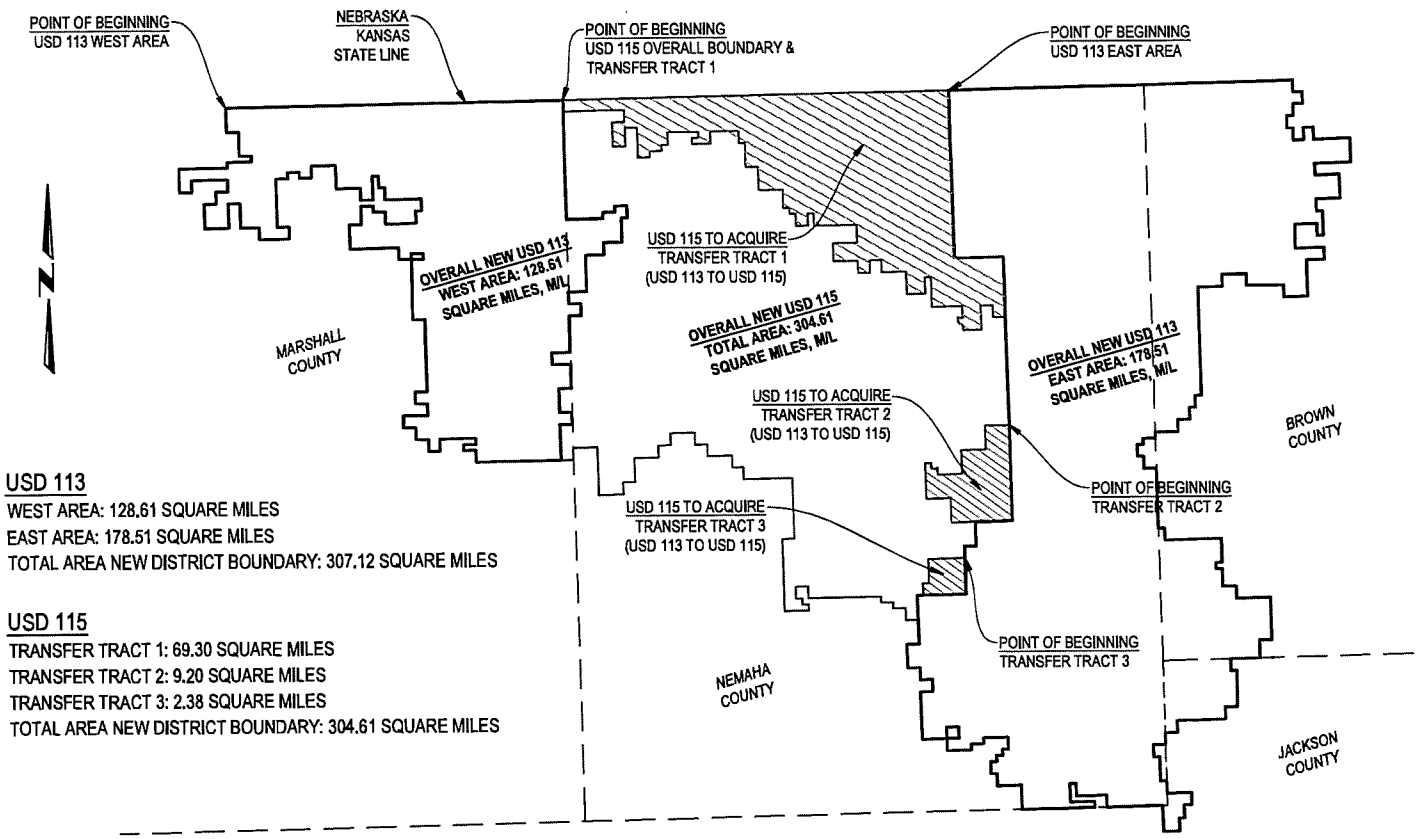
BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 1 ½ MILES; THENCE WEST 1 ¾ MILES; THENCE NORTH ½ MILE; THENCE EAST ¼ MILE; THENCE NORTH 1 MILE TO THE CENTER OF SECTION 9, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 1 ½ MILES TO THE POINT OF BEGINNING.

THE ABOVE CONTAINS 2.38 SQUARE MILES, MORE OR LESS.

I, JESSE A. NOLL, PROFESSIONAL SURVEYOR, KANSAS LICENSE #1711, DO HEREBY CERTIFY THAT THE REVISED BOUNDARY DESCRIPTIONS SET FORTH ABOVE ARE TRUE AND CORRECT DESCRIPTIONS OF THE OFFICIAL BOUNDARIES OF THE TRACTS TO BE TRANSFERRED BETWEEN UNIFIED SCHOOL DISTRICT NO. 113 AND UNIFIED SCHOOL DISTRICT NO. 115 IN THE EVENT THE PROPOSED PETITION/AGREEMENT TO TRANSFER TERRITORY FROM UNIFIED SCHOOL DISTRICT NO. 113 TO UNIFIED SCHOOL DISTRICT NO. 115 IS APPROVED BY THE STATE BOARD OF EDUCATION.

DISTRICT BOUNDARIES EXHIBIT

UNIFIED SCHOOL DISTRICTS 113 & 115



USD 113

WEST AREA: 128.61 SQUARE MILES
EAST AREA: 178.51 SQUARE MILES
TOTAL AREA NEW DISTRICT BOUNDARY: 307.12 SQUARE MILES

USD 115

TRANSFER TRACT 1: 69.30 SQUARE MILES
TRANSFER TRACT 2: 9.20 SQUARE MILES
TRANSFER TRACT 3: 2.38 SQUARE MILES
TOTAL AREA NEW DISTRICT BOUNDARY: 304.61 SQUARE MILES

NOTES
1. EXHIBIT PREPARED FOR KRIEGSHAUSER NEY LAW GROUP AND IS FOR REFERENCE ONLY
2. DRAWING IS NOT TO SCALE

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LEGAL DESCRIPTION FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS NO.113 AND NO.115.

MARSHALL AND NEMAHA COUNTIES

NEW OVERALL BOUNDARY U.S.D. NO.115

BEGINNING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M., ALSO BEING THE CORNER OF MARSHALL AND NEMAHA COUNTIES AND THE KANSAS-NEBRASKA STATE LINE; THENCE EAST 16 MILES ALONG THE KANSAS-NEBRASKA STATE LINE TO THE NORTHEAST CORNER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 7 MILES TO THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 2 MILES; THENCE SOUTH 11 MILES TO THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST 1 ½ MILES; THENCE SOUTH 1 MILE; THENCE WEST ½ MILE TO THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 2 MILES; THENCE WEST 2 MILES TO THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 1 MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ¼ MILE; THENCE WEST ½ MILE; THENCE NORTH ¼ MILE; THENCE WEST 3 MILES; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE EAST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE WEST 1 MILE TO THE CENTER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 12 EAST OF THE 6TH P.M.; THENCE NORTH 3 MILES; THENCE EAST ½ MILE; THENCE NORTH 2 ½ MILES TO THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 12 EAST OF THE 6TH P.M.; THENCE WEST 2 MILES; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST 1 MILE; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 1 MILE TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE SOUTH 1 MILE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 1 MILE TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE NORTH 2 MILES; THENCE WEST 1 MILE TO THE MARSHALL AND NEMAHA COUNTY LINE; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE WEST ½ MILE; THENCE NORTH 1 ½ MILES TO THE CENTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE EAST ½ MILE TO THE MARHSALL AND NEMAHA COUNTY LINE; THENCE NORTH ½ MILE ALONG SAID COUNTY LINE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE; THENCE EAST ½ MILE TO THE MARSHALL AND NEMAHA COUNTY LINE; THENCE NORTH 1 MILE ALONG SAID COUNTY LINE TO THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE WEST ¾ MILE; THENCE NORTH ½ MILE; THENCE EAST ¾ MILE TO THE MARHSALL AND NEMAHA COUNTY LINE; THENCE NORTH 1 ½ MILES ALONG SAID COUNTY LINE; THENCE EAST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE TO

THE MARSHALL AND NEMAHA COUNTY LINE; THENCE NORTH ½ MILE ALONG SAID COUNTY LINE TO THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE EAST ¾ MILE; THENCE NORTH 1 ½ MILES; THENCE EAST ¾ MILE; THENCE NORTH ½ MILE; THENCE EAST ¾ MILE; THENCE NORTH 1 MILE; THENCE EAST ¼ MILE TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE; THENCE WEST 1 ½ MILES TO THE MARHSALL AND NEMAHA COUNTY LINE AND TO THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE NORTH 5 MILES ALONG THE MARSHALL AND NEMAHA COUNTY LINE TO THE POINT OF BEGINNING.

THE ABOVE CONTAINS 304.61 SQUARE MILES, MORE OR LESS.

I, JESSE A. NOLL, PROFESSIONAL SURVEYOR, KANSAS LICENSE #1711, DO HEREBY CERTIFY THAT THE REVISED BOUNDARY DESCRIPTION SET FORTH ABOVE IS A TRUE AND CORRECT DESCRIPTION OF THE OFFICIAL BOUNDARY OF UNIFIED SCHOOL DISTRICT NO. 115 IN THE EVENT THE PROPOSED PETITION/AGREEMENT TO TRANSFER TERRITORY FROM UNIFIED SCHOOL DISTRICT NO. 113 TO UNIFIED SCHOOL DISTRICT NO. 115 IS APPROVED BY THE STATE BOARD OF EDUCATION.

LEGAL DESCRIPTIONS FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS NO.113 AND NO.115.

MARSHALL, NEMAHA, BROWN, AND JACKSON COUNTIES

NEW OVERALL BOUNDARY U.S.D. NO.113

(WEST AREA – 128.61 SQUARE MILES, MORE OR LESS)

BEGINNING AT THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 8 EAST OF THE 6TH P.M.; THENCE EAST 14 MILES ALONG THE KANSAS-NEBRASKA STATE LINE TO THE MARSHALL AND NEMAHA COUNTY LINE AND THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE SOUTH 5 MILES ALONG SAID COUNTY LINE TO THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE EAST 1 ½ MILES; THENCE NORTH ¼ MILE; THENCE EAST ½ MILE; THENCE NORTH ¼ MILE; THENCE EAST ½ MILE; THENCE SOUTH ½ MILE TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE WEST ¼ MILE; THENCE SOUTH 1 MILE; THENCE WEST ¾ MILE; THENCE SOUTH ½ MILE; THENCE WEST ¾ MILE; THENCE SOUTH 1 ½ MILES; THENCE WEST ¾ MILE TO THE MARHSALL AND NEMAHA COUNTY LINE AND THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE EAST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE TO THE MARSHALL AND NEMAHA COUNTY LINE; THENCE SOUTH 1 ½ MILES ALONG SAID COUNTY LINE; THENCE WEST ¾ MILE; THENCE SOUTH ½ MILE; THENCE EAST ¾ MILE TO THE MARSHALL AND NEMAHA COUNTY LINE AND THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE SOUTH 1 MILE ALONG SAID COUNTY LINE; THENCE WEST ½ MILE; THENCE SOUTH 1 MILE; THENCE EAST ½ MILE TO THE MARSHALL AND NEMAHA COUNTY LINE; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE WEST ½ MILE TO THE CENTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE SOUTH 1 ½ MILES; THENCE WEST 3 ½ MILES; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ¼ MILE; THENCE EAST ½ MILE; THENCE NORTH ¼ MILE TO THE NORTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE WEST 1 ½ MILES; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE EAST 1 MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE TO THE CENTER OF SECTION 1, TOWNSHIP 3 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE NORTH ½ MILE; THENCE EAST ½ MILE; THENCE NORTH 3 MILES TO THE SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE NORTH 2 ½ MILES TO THE CENTER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE EAST ½ MILE; THENCE NORTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE TO THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE WEST 2

MILES; THENCE NORTH 1 MILE; THENCE EAST ½ MILE; THENCE NORTH ¾ MILE; THENCE EAST ½ MILE; THENCE SOUTH ¼ MILE; THENCE EAST ½ MILE TO THE CENTER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE EAST 1 ¼ MILE; THENCE NORTH ½ MILE; THENCE EAST ¼ MILE; THENCE NORTH ½ MILE; THENCE WEST 1 ½ MILES TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH 1 MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE; THENCE NORTH 1 MILE; THENCE WEST 1 MILE; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE TO THE SOUTHEAST CORNER OF SECTION 18, TOWNSHIP 1 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE NORTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH 2 MILES; THENCE EAST ½ MILE; THENCE SOUTH ½ MILE TO THE CENTER OF SECTION 31, TOWNSHIP 1 SOUTH, RANGE 9 EAST OF THE 6TH P.M.; THENCE WEST 1 ½ MILES; THENCE NORTH ½ MILE; THENCE WEST ¾ MILE; THENCE NORTH 1 MILE; THENCE WEST ½ MILE; THENCE SOUTH 1 MILE TO THE SOUTHEAST CORNER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 8 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE; THENCE NORTH 1 MILE; THENCE EAST ½ MILE; THENCE NORTH ½ MILE; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 3 EAST OF THE 6TH P.M.; THENCE WEST 1 ½ MILES; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE; THENCE EAST 2 MILES; THENCE NORTH ¼ MILE; THENCE EAST 1 MILE; THENCE NORTH ¼ MILE TO THE NORTHEAST CORNER OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 8 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE NORTH 1 MILE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE TO THE POINT OF BEGINNING.

AND

(EAST AREA – 178.51 SQUARE MILES, MORE OR LESS)

BEGINNING AT THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 8 MILES ALONG THE KANSAS-NEBRASKA STATE LINE TO THE NEMAHA AND BROWN COUNTY LINE; THENCE CONTINUING EAST 6 MILES ALONG THE KANSAS-NEBRASKA STATE LINE TO THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE EAST ½ MILE TO THE CENTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 16 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE TO THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 16 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE; THENCE SOUTH ½ MILE; THENCE EAST ½ MILE TO THE CENTER OF SECTION 18, TOWNSHIP 1 SOUTH, RANGE 16 EAST OF THE 6TH P.M.; THENCE NORTH ½ MILE; THENCE EAST ½ MILE; THENCE SOUTH ½ MILE; THENCE EAST 1 ½ MILES; THENCE SOUTH 1 MILE TO THE CENTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 16 EAST OF THE 6TH P.M.; THENCE WEST 1 ½ MILES; THENCE SOUTH ½ MILE; THENCE EAST 1 MILE; THENCE SOUTH 1 MILE; THENCE WEST 1 MILE; THENCE SOUTH ½ MILE TO THE

NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 16 EAST OF THE 6TH P.M.; THENCE EAST ¼ MILE; THENCE SOUTH 1 MILE; THENCE WEST ¼ MILE; THENCE NORTH ½ MILE; THENCE WEST 1 MILE; THENCE SOUTH 1 MILE TO THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 16 EAST OF THE 6TH P.M.; THENCE EAST 1 ¼ MILE; THENCE SOUTH ½ MILE; THENCE WEST ¾ MILE; THENCE SOUTH 1 ½ MILES TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 16 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE WEST 1 ½ MILES; THENCE NORTH ½ MILE; THENCE WEST 1 MILE; THENCE SOUTH ½ MILE TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE; THENCE SOUTH 4 ½ MILES; THENCE WEST ¼ MILE; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 1 MILE TO THE NEMAHA AND BROWN COUNTY LINE; THENCE SOUTH ¼ MILE ALONG SAID COUNTY LINE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE TO THE CENTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE EAST ½ MILE TO THE NEMAHA AND BROWN COUNTY LINE; THENCE SOUTH 2 ½ MILES ALONG SAID COUNTY LINE; THENCE EAST ¼ MILE; THENCE SOUTH ½ MILE; THENCE EAST 2 ¼ MILES TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH 1 MILE; WEST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE EAST ¼ MILE; THENCE SOUTH ¾ MILE TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE EAST APPROXIMATELY 9/16 MILE TO HIGHWAY 75; THENCE SOUTH ½ MILE ALONG SAID HIGHWAY 75; THENCE EAST APPROXIMATELY 1 7/16 MILES TO THE CENTER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH 1 ¾ MILES; THENCE WEST ½ MILE; THENCE SOUTH ¾ MILE TO THE BROWN AND JACKSON COUNTY LINE; THENCE WEST 1 ¼ MILES ALONG SAID COUNTY LINE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE; THENCE SOUTH 1 ½ MILES TO THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 2 MILES; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE EAST ¼ MILE; THENCE SOUTH 1 MILE; THENCE EAST ¼ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE ALONG SAID COUNTY LINE; THENCE EAST 1 MILE; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE TO THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 6 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ½ MILE; THENCE WEST ¾ MILE; THENCE NORTH 1 MILE TO THE NEMAHA AND JACKSON COUNTY LINE; THENCE WEST 2 ¼ MILES ALONG SAID COUNTY LINE TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE

6TH P.M.; THENCE NORTH ½ MILE; THENCE WEST 1 ¼ MILES; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ¾ MILE; THENCE EAST 1 MILE; THENCE SOUTH ¼ MILE TO THE NEMAHA AND JACKSON COUNTY LINE AND TO THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE 6TH P.M.; THENCE WEST 3 MILES ALONG SAID COUNTY LINE; THENCE NORTH 1 MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE NORTH ½ MILE; THENCE EAST ¼ MILE TO THE NORTHWEST CORNER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH ¼ MILE; THENCE EAST ¼ MILE; THENCE NORTH ¼ MILE; THENCE EAST ¼ MILE; THENCE NORTH ½ MILE; THENCE WEST 1 MILE TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST 1 MILE; THENCE NORTH 2 MILES; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 4, TOWNSHIP 5 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE; THENCE EAST ½ MILE; THENCE NORTH 2 MILES TO THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 2 MILES; THENCE NORTH 2 MILES TO THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST ½ MILE; THENCE NORTH 1 MILE; THENCE EAST 1 ½ MILE TO THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH 11 MILES TO THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST 2 MILES; THENCE NORTH 7 MILES TO THE POINT OF BEGINNING.

THE ABOVE EAST AND WEST DESCRIPTIONS CONTAIN 307.12 SQUARE MILES, MORE OR LESS, IN TOTAL.

I, JESSE A. NOLL, PROFESSIONAL SURVEYOR, KANSAS LICENSE #1711, DO HEREBY CERTIFY THAT THE REVISED BOUNDARY DESCRIPTION SET FORTH ABOVE IS A TRUE AND CORRECT DESCRIPTION OF THE OFFICIAL BOUNDARY OF UNIFIED SCHOOL DISTRICT NO. 113 IN THE EVENT THE PROPOSED PETITION/AGREEMENT TO TRANSFER TERRITORY FROM UNIFIED SCHOOL DISTRICT NO. 113 TO UNIFIED SCHOOL DISTRICT NO. 115 IS APPROVED BY THE STATE BOARD OF EDUCATION.

Cheryl D. Austin

From: 113landtransfer
Sent: Wednesday, March 20, 2024 9:44 AM
To: 113landtransfer
Subject: Automatic reply: Map

Thank you for your submission. The hearing officer will take all testimony into consideration when making the recommendation to the Kansas State Board of Education. Please be advised that your comments may be subject to public disclosure following the conclusion of the Kansas State Board of Education's vote on the matter.

Cheryl D. Austin

From: DeAnn Bennett [redacted]
Sent: Wednesday, March 20, 2024 1:41 PM
To: 113landtransfer
Subject: Letter in support of land transfer

As a community member that lives between the towns of Seneca and Sabetha we are close to the district line that is drawn between USD 115 and USD 113. As all school districts have encountered, the border lines need to be updated sometimes as smaller schools close and the population changes. In this case much of the land in question is directly north of us just a few miles.

I am familiar with many families in that area. When the Bern school closed, the majority chose to go to USD 115 because of the distance, roads available, jobs and family that was connected to them in Seneca. They have thrived at their new school.

It does make sense to transfer the land to the USD 115 district in that case. Future families will likely do the same because of ease of commute and location. I wanted to express my support for the families in that area in question of the land transfer being proposed.

Thank you.

DeAnn Bennett
[redacted]

Cheryl D. Austin

From: Marcia Philbrick [redacted]
Sent: Wednesday, March 20, 2024 5:16 PM
To: 113landtransfer
Subject: USD 115 request for transfer of land

To Whom It May Concern:

I am writing in support of USD 115's petition for a land transfer from USD 113.
I was employed by USD 442 from the fall of 1976 thru the 2010-2011 school year. Starting in the fall of 2011, I was employed by USD 115 until I retired in May 2016.

When USD 442 started considering consolidation, I attended several joint board meetings between USD 442 and neighboring districts, including USD 451 B&B and USD 488, Axtell Bern & Summerfield. I remember attending a meeting held in the Axtell high school gymnasium between the USD 488 board and the USD 442 board. I believe that USD 488 was also in discussions with USD 451 at the time, with Axtell being offered a junior high school while the high school would be at Baileyville. While discussion of a 3 way consolidation was rumored, I don't believe the three school boards met together. Shortly after the meeting in Axtell, it was announced in the press that USD 488 was consolidating with the Sabetha district. I remember being surprised by this announcement. Contrary to a statement published in the Sabetha Herald, I also do NOT remember USD 442 telling USD 488 that they could not consolidate with them.

USD 442 and USD 451 consolidated in 2011. The Baileyville High School remained open thru the 2013-2014 school year. In the fall of 2014, the Baileyville High School and Nemaha Valley High School were merged. This merger involved a name change, a change in mascot, a change in school colors, etc. Thus, both communities gave up traditions associated with the previous school names, mascots and colors. Considerable expense was associated with this change, including new uniforms for all sports.

When Bern High School was closed with the expectation that those students would attend the Sabetha High School, nothing changed at the Sabetha High School. The Bern students gave up their identity while the Sabetha students maintained their identity. From outside of the Sabetha district, it appears that they disrespected the Bern community by taking the funds from the tax on the Bern land without making any changes to Sabetha High School.

The Bern community has given up a lot with the loss of their schools. The patrons of this community deserve the right to representation on a school board where their children attend school. Thus, I support the transfer of their land from USD 113 to USD 115.

Marcia Philbrick
Retired employee from USD 115/USD 442
Seneca, Kansas

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Marcia Philbrick
Genealogist - Heartland Genealogy

Cheryl D. Austin

From: Bethany Ohlsen [redacted]
Sent: Wednesday, March 20, 2024 11:33 PM
To: 113landtransfer
Subject: Overdue Land Transfer

Good Evening,

My name is Bethany Ohlsen and I currently have 2 sons attending Nemaha Central (USD 115) and will have a 3rd son attending next year. Growing up and attending nearby 1A Centralia I have unfortunately witnessed USD 113 board, except Phil Buessing (Axtell's representative) and Anissa Bloom (Wetmore's representative), ovote to close the Wetmore school down. USD 113 has closed down other small schools as well including Bern which there is a great number of families that send their kids to NC and unfortunately do not have their tax dollars following their kids and also taking away their voice with school happenings. I have included quite a few USD 113 board meeting recordings as Leslie Scoby mentioned in 1 that they would use the money for closing Wetmore to go towards a track for Sabetha. Their board has only had the best interest for Sabetha students and in doing so are trying to hold on to as much land as possible even though it no longer should be in their district. Please help us correct this as we have residents in the Bern area who would love for their land valuation to follow their kids and to actually have a voice at NC after waiting 12 years and counting.

I would also like to ask for the state's help in helping Axtell avoid being next on USD 113's chopping block. They are a community that is thriving and gaining more businesses and their athletic teams are making repeated state appearances. Please help provide them any guidance of maybe getting out of USD 113 and being able to join USD 380 or another small school district without any repercussions. Some may think that small schools don't provide as many opportunities but I feel that is false as any clubs or teams need as many of those students to go out. Not only do the students have the opportunity to be extremely involved but the bonds between other students and faculty is more on a personal level and no one is seen as a "number".

Please feel free to watch the YouTube Board Meetings I shared as it gives the true glimpse of the "empathy" that was shown to the public.

Thank you so much for taking the time to read my letter!

Sincerely,
Bethany Ohlsen

[redacted]

[redacted]

Cheryl D. Austin

From: Brandy Weber [redacted]
Sent: Thursday, March 21, 2024 12:45 PM
To: 113landtransfer
Subject: USD 115

KSDE members:

The families residing in the subject area have been part of the USD 115 community for the last 12 years. Those families have been called Out of District the entire time. The land needs to follow the students and be transferred to USD 115. These students have been long term attendees of USD 115 and may now be subject to a lottery system that will remove them from the institution, educators, and friends they have known for 12 years. When school closures occur, district lines need to be reconsidered and that has not happened in this case. The families in the subject area were not given a choice as to the future of their school. They have had to make hard choices due to circumstances beyond their control.

My support lies with the transfer of the subject property to USD 115. These student and families deserve to have their voices heard and their tax dollars to follow their children.

Sincerely,
Brandy Weber
USD 115 constituent

Cheryl D. Austin

From: Julie Sudbeck [redacted]
Sent: Thursday, March 21, 2024 4:22 PM
To: 113landtransfer
Subject: Land transfer

To whom it may concern,

I am writing to voice my opinion on the land transfer in the Bern area as I assume the public hearing will be overwhelming for all involved. I have children ages 19, 16, and 10. We have lived in the Nemaha Valley School District for over 25 years since we have been married in 1998. My husband and I were both raised in this area, Graduating from B&B, and are very proud to call it our home for life.

I feel that 12 years is more than enough time to see how land should be divided by where children have proceeded to go to school despite the district they are in. Seneca school district is having to turn kids away that are in the Sabetha school district as we can't afford to accommodate more of them without the funding from there taxable land. The kids that have been coming from the Bern area for schooling have continued to do so for the last 12 years. That to me speaks loudly how people feel about the school district they want to be included in. Please let the people decide how the lines should be set and not a party that is not in the fight.

No one wants to tell a child and parents that can not go to a school of their choice because the funding is not there to support there education. Nemaha Central has done their best to make room for in our budget as many as they could knowing it would take away from others, but here we do what we can for others.

I please ask you to take the people's voices in the Nemaha Central district and in the Bern area highly into consideration. This is a decision that will affect them all for the rest of their lives.

Thank you for your time,

Julie Sudbeck

Cheryl D. Austin

From: Kent Saylor [redacted]
Sent: Thursday, March 21, 2024 5:19 PM
To: 113landtransfer
Subject: Land Transfer petition involving USD113
Attachments: PH St Board of Ed Letter.pdf

Importance: High

Please review the attached. If anyone has any questions please reach out to me.

Thank You.

[redacted]

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March 21, 2024

Kent P Saylor

[redacted]

KSDE Office of General Counsel
900 SW Jackson St
Topeka, Ks 66612
Email: 113landtransfer@ksde.org

Dear Sirs:

My background: I am a former Prairie Hills School Board member for 8 years serving in the At large Member position capacity, with my term effectively ending November 2023. I am a retired attorney, banker, and insurance agent. I personally know a number of people from each of the communities involved with the following issues.

I am responding with my observations and comments regarding Nemaha Central's (USD115) petition to acquire land from Prairie Hills (USD113). Over 11 years ago Nemaha Central had the opportunity to acquire much of the land listed in its current petition but Nemaha Central chose not to consolidate with Bern, Summerfield, Axtell school district (USD 488). Most likely Nemaha Central knew it eventually would close one or more of the USD 488's Bern, Summerfield, and/or Axtell facilities. This Nemaha Central decision not to offer to consolidate gave USD 488 only one other reasonable consolidation option, consolidate with Prairie Hills.

As we all know, in the last 11 years Prairie Hills has not only closed Bern and Summerfield facilities but recently its Wetmore attendance center (never part of USD 488), all due to declining attendance numbers. None of this has been easy but in regard to the Wetmore facility closing, as hard as it was, part of Prairie Hills proposal included a voluntary transfer of ground from Prairie Hills to Jackson Heights and Vermillion, Centralia, Frankfort school districts because of geographical location. After all the negotiations and mitigation procedures ended, the original land transfer proposal presented by Prairie Hills fell within one mile of the final negotiated land transfer line.

Because of different geographical layout of the old 488 district, the Prairie Hills Board, during the Wetmore negotiations, developed the idea of setting up a committee of 6 people, 3 from Prairie Hills Board and 3 from Nemaha Central Board to sit down and have a business type discussion regarding the possibility of a land trade, based on geography and student attendance numbers between USD113 and USD115. Why a committee: to be able to discuss options in a business-like manner and not have any Wetmore influence involved, which was a totally separate situation. Of course, any final decisions would have to be discussed and voted on during each Districts' full Board meetings. This proposal was openly discussed in a Prairie Hills Board meeting and an invitation was extended to Nemaha Central Board. Why did Prairie Hills suggest a land trade because the Prairie Hills and Nemaha Central school campuses were located equal distance from Bern. If an east line adjustment was going to be discussed with Nemaha Central, Prairie Hills wanted to discuss a west line trade adjustment, since the west line was not equal distance between Axtell and Seneca. The idea was to somewhat true up district lines on both the East and West sides of the Nemaha Central.

This is the reason Prairie Hills produced a land trade idea. Part of the trade even involved Nemaha Central receiving more sections of ground than it currently holds. The idea to meet as a committee was rebuffed by Nemaha Central Board and basically all further negotiations were also rebuffed. Nemaha Central did not offer any alternative solutions and now Nemaha Central's petition requests to have 81 sections of land transfer to its district including some old "Wetmore" district land.

After the Nemaha Central Board actions, I personally met with community members from Bern regarding the Prairie Hills proposal, including a trade of land. Other than a 1-mile difference in the Bern area, the Prairie Hills proposal appeared to be a reasonable idea to consider. We discussed the 1-mile difference of opinions regarding the movement of the line 1-mile east or west; it was agreed this could reasonably be resolved (review the Wetmore-Prairie Hills settlement comments above). Of course, this line change would still be subject to the trade.

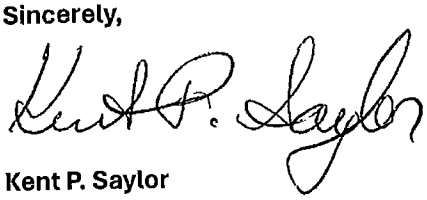
Were all the Prairie Hills District's decisions easy; no, but they were made. Historically Nemaha Central took the easy way out over 11 years ago by NOT consolidating with USD488; now Nemaha Central is trying an end around move and again taking the easy way out by filing a petition to take land (even including Wetmore land) after all the heavy lifting has been performed by Prairie Hills. Nemaha Central believes Prairie Hills has a weak position BUT this is NOT THE CASE, Prairie Hills is not the "bad" guy here. Remember Nemaha Central passed on the original opportunity.

Personally, I will not apologize for Prairie Hills' decisions to close facilities nor for extending an invitation to Nemaha Central to hold business discussions regarding land transfers, which Nemaha Central rebuffed.

My final observations: there has been a lot of misinformation about school finances and how one district is penalized and loses funds because land does not follow to the school where students attend. Under Kansas equalization law this in NOT the case, student numbers is the most important funding factor in Kansas School budgets. It took me over 2 years to understand much of the Kansas school financing law. It is much more complex than most people realize. It also appears a non-scientific community survey was circulated by USD115 (once or perhaps twice) and it is of questionable value and should be given little weight, particularly in light of the number of individuals who were not surveyed because they were opposed to the Nemaha Central petition.

In conclusion, I believe the State Board of Education, in this and similar cases, should not try and make these kinds of decisions or even attempt to draw compromise lines at the State level; this is a local matter which the communities and schools have lived with for over 11 years. Therefore, the petition should be rejected initially (one option) or be denied on the merits (second option). Otherwise, failure to reject or deny this petition will set a precedence creating the domino effect I will name "The Kansas School Petition Filing and Land Raiding Precedence Rule" for the State of Kansas.

Sincerely,



Kent P. Saylor

Cheryl D. Austin

From: Amanda Marcotte [redacted]
Sent: Friday, March 22, 2024 10:08 AM
To: 113landtransfer
Subject: USD 113 Land Transfer opposition

To whom it may concern,

I'm writing to provide my opposition of the USD 113 land transfer. Allowing Nemaha Central to obtain land from USD 113 would negatively impact not only the school district, but the students who already attend Sabetha and Axtell. It would also potentially cause more cases like this to happen all over the state ultimately resulting in more unnecessary tax dollars being spent. In a time where inflation is high and just getting higher, why add to that mess? Not only should we think about the finances, but would USD 115 have the capacity and ability to provide quality education for the additional students? We need to put students and their education first.

I urge you to think not only of the constituents of USD 113, but the state as a whole when making this decision and the negative impact it would have.

Thank you for your time,
Amanda Marcotte

Cheryl D. Austin

From: Chris Baumgartner [redacted]
Sent: Friday, March 22, 2024 12:23 PM
To: 113landtransfer
Subject: My thinking on pending land transfer

When sabetha consolidated with Bern Axtel and Summerfield. Seneca wanted nothing to do with consolidation .
Bern and Summerfield were closed. Some people got upset and sent their kids to Seneca. Just out of spite I think.
Now after the Wetmore situation .Some are throwing another tantrum. There is nothing rong with sabeta school.
Looks like little brother wants dad to take big brothers toys away and give them to him.
I understand Seneca doesn't want to talk Land trade.
What Is dad going to do about all the other kids acrost the state.
Civ-il war now one wins..
I Pray for fair solution.
God biess.

Cheryl D. Austin

From: Kim Sudbeck [redacted]
Sent: Friday, March 22, 2024 3:26 PM
To: 113landtransfer
Subject: Land Transfer Support

Please let me introduce myself, my name is Kim Sudbeck and my husband Matt and I live at 1432 200th Road, Bern, KS. We have two sons that attend Nemaha Central Schools and we support the land transfer to USD 115. In fact, we have 3 parcels of land (1 where we live) currently in USD 113 school district that we would like transferred to USD 115 school district. I did not grow up in Bern, not even in Nemaha County, not even in Kansas. But I believe that by not growing up here, I am like an outsider looking in, evaluating the facts and decisions as they have been made without a great deal of personal emotional connection.

During the last consolidation process, Bern-Axtell-Summerfield School district was approached by both Sabetha-Wetmore and also Nemaha Valley schools. Please note two things, that Bern, Axtell, Summerfield was already one consolidated school district and secondly, that Sabetha and Wetmore were also one consolidated school district. In these preliminary discussions, Nemaha Valley was open and honest about closing schools and creating ONE UNIFIED SCHOOL DISTRICT. Sabetha-Wetmore promised patrons to keep their school open, which was important to the Bern, Axtell and Summerfield communities. Summerfield and Axtell first made changes to have all Elementary students attend Summerfield and all Middle and High School students attend Axtell, thus reducing the number of teaching staff required. Not long after the Summerfield school building was closed and all K-12 students would attend at Axtell. Bern school was also closed because of their proximity to Sabetha. Sabetha could transport/bus students and again reduce an entire K-12 teaching staff at Bern School Building. Within a short few years, the Sabetha-Wetmore-Bern-Axtell-Summerfield aka USD 113 Prairie Hills school district became Sabetha-Wetmore-Axtell school buildings.

Meanwhile, Nemaha Valley came to an agreement with B&B school. They consolidated knowing that B&B School building would be closed, and ALL Students would attend a NEW UNIFIED SCHOOL DISTRICT, USD 115 Nemaha Central. One location, one new name, one new mascot and one new school community. At this time, many Bern patrons chose to opt their students into Seneca to attend USD 115. I can not speak for others as to their "why", but for myself and my family it was because of the resources the school district would be able to provide my children, the proximity to our doctors/hospital, the fact that we do most of our business in Seneca on a day to day basis, and now because I also work at Nemaha Central Elementary & Middle School.

At this time, there are two great injustices being done to Bern Patrons seeking land transfer. First, we do not have representation in either school district. In the past several years, I have not voted for USD 113 related issues mainly, my "no" vote wouldn't be heard and secondly because I do hope that USD 113 BOE will make decisions that are beneficial to their students and schools. As many of you know, Ross Mosteller "put his money where his mouth is" and I thank him for stepping up and running for USD 113 SCHOOL BOARD. Even though Ross lost, I believe the race was much closer than was anticipated and helped air the frustration of Bern. And since this area of Bern is out of USD 115 District, we can not even cast a vote for USD 115 SCHOOL BOARD members, let alone have a nominee run. I myself would have liked to vote for the USD 115 Bond Issues as I know first hand the status of these buildings, the needs of the students and the amazing education and activities that NC is providing our students.

The second injustice to Bern has been in due process. Many Bern residents signed petitions to have our land follow our students in 2013. This was a promise that was given to Bern-Axtell-Summerfield in consolidation discussions with Sabetha-Wetmore. I, along with my husband, as Bern Landowners signed this and believed that due process would then unfold. Being a staff member at NC, I have had the ability to check with the USD

115 District Office multiple times across these 10 years and had been told by the previous superintendent Darrel Kohlman, that it was in Sabetha's hands and it takes time.

At an earlier town hall meeting, it was referenced that now is time for "the big stick". As Teddy Rosevelt stated "speak softly and carry a big stick". In 2013 we spoke softly. We filed our petitions. And we awaited due process. Having waited 10 years, and in light of the Wetmore school closure, Bern patrons along with USD 115 BOE and Administration have pressed forward guided by legal strategy to seek the land transfer.

What I would most like to point out is that Nemaha County is a little "backwards" in its ways. And what I mean by that is we still take a man's word and handshake, as a contract. My father-in-law, Larry, was the epitome of a man of his word. And just like the generations before us, we expect those who say they will do something, to honor that. We trust that those who represent us, will in fact have the best intentions and put others above their own agenda. We value hard work and integrity. We honor God, our family, and our neighbors. So when promises during consolidations were made; whether verbal, written or signed, those promises were in fact contracts. And for 10 years, Bern Patrons have sincerely believed that these "contracts" would be upheld. We genuinely believed that due process would unfold and eventually the land transfer rectified. All the while we were left without representation, as our children attended Nemaha Central, the school that we believed was the best for them.

I would like to thank USD 115 BOE and Superintendent Tavis Desormiers for seeking this opportunity, for taking on a fight that was not theirs but feel that our students are an essential piece of NEMAHA CENTRAL Thunder student body, that our families are part of the Nemaha Central Thunder Family. I would like to thank USD 115, along with Wetmore patrons and the Jackson Heights school district for bringing to light the injustices being done to our rural patrons, the support in the land transfers, and also the guidance in following due process. I would like to thank those who have spearheaded this venture for avoiding the rhetoric, for staying above the blasphemy, and not responding to the media propaganda that USD 113 has created.

With great regard and immense gratitude,

Kim Sudbeck

Cheryl D. Austin

From: BETTY HERMESCH [redacted]
Sent: Saturday, March 23, 2024 1:06 PM
To: 113landtransfer
Subject: transfer of 81 square miles to USD115

Attention Scott Gordon, Hearing Officer

As tax payers in USD 115, we would like to have the 81 square miles in question, transferred to USD115. When USD 113 decided to close the Bern school, at least 90-100 students have been attending USD115 or Sts. Peter and Paul Catholic School, that has been 10-12 years and they have not migrated back to USD 113. As patrons of USD 115, on a fixed income, we have had to have a mill levy of $27 million to accommodate all these children. It's time the taxes from the land in question helps with our tax burden.

Thank you for your consideration

Please and Thanks You

Mark and Betty Hermesch

[redacted]

Sent from Mail for Windows

Cheryl D. Austin

From: Scott Wedel [redacted]
Sent: Sunday, March 24, 2024 7:23 AM
To: 113landtransfer
Subject: Comments on Land Transfer

Good morning,

Here is my testimony from the March 22nd meeting in Bern and some additional thoughts.

3/22/2024

Hello, my name is Scott Wedel and I am against what USD 115 is trying to do. The timing of this doesn't make sense to me, and if allowed, in my opinion, this will be a pandoras box for the Kansas State Board of Education going forward. Their request just doesn't feel right.

A little about me, I grew up in Newton, KS and graduated from Newton High School which is in the USD 373 school district. USD 373 is also a consolidated school district. I'm a proud product of public schooling and my mother was a public-school teacher in USD 373 for over 30 years.

Eleven years ago, my wife and I decided to move our family to Sabetha. At the time, we had two children and were living in Ft. Worth, TX. We now have four kids and all four of them will be in the USD 113 schools next year. My wife is from Sabetha and she's related to a lot of people, some in Sabetha, some in Bern, and some in Seneca. My grandmother actually attended Axtell from K-8th grade. I've grown to enjoy all of the communities in this area including Seneca and Bern. I would recommend stopping by Bern Meat and getting some steaks before you head back to Topeka.

Being an import to the area, I see the passion of the rivalry between Sabetha and Seneca and sometimes, it's a little much. No side or town is the good town or side, or the bad town or side. The reality is that outside of the rivalry, most of us are friends and our kids are friends and if not they will eventually end up at college and the first people they will be friends with are the kids from the other schools in this area. Why, because we are all part of the highway 36 club.

Ever since we moved to Sabetha, I have heard comments from people that were upset about Bern closing. We are related to some of them. I know people that live in the USD 113 school district that send their kids to USD 115 schools. That is their right and I appreciate them doing what they feel they need to do. It's unfortunate when schools have to close and I wish, when that happens, an elementary school could be left open.

The timing of the land transfer that USD 115 is requesting now makes little sense to me and appears very opportunistic. I understand there are some people in Bern that are angry about the school being closed over 10 years ago and I get that. I'd still be mad too. But the timing of this request, doesn't make sense. Bern was closed over 10 years ago, and now USD 115 wants to make changes in the borders of the districts due to that? If the Kansas State Board of Education allows for this to move forward, in my opinion, it will be setting a dangerous precedent. Which two school districts will fight over land next? In my opinion, too much time, energy, and resources have already been spent on an issue that should be a pretty easy no vote. Let's get back to focusing on educating our students.

Thank you for your time.

Scott Wedel

One other additional thought from the meeting. It is very unfortunate that one of the individuals from Wetmore (not USD 115) that was leading and threatening the school district disorganization petition against USD 113 was one of the parties that presented data for and sat up front at the table for USD 115. This is one of the primary reasons why USD 113 and USD 115 had issues with mediation. Too many outside parties are involved in this issue. I would prefer that the Kansas State Board of Education rejects the petition and then pushes the issue back to USD 113 and USD 115 and pretty much says – figure it out. There is a lot of common ground, the outside parties just keep pushing a zero-sum solution. Those individual do not understand what compromise means. It's unfortunate and causes issues like these to get to the State level. I would even volunteer to be a part of a committee that finds a solution to this issue. It's not as hard as everyone is making it. Thank you for coming to this part of Kansas. Outside of this issue, I hope you saw a lot of passionate people that really care about the communities, the kids, and their education. In my opinion, it's one of the best areas in the State to raise children! Thank you again.

Scott Wedel

Cheryl D. Austin

From: Lane Mosteller [redacted]
Sent: Sunday, March 24, 2024 9:30 PM
To: 113landtransfer
Subject: Letter of Support for Nemaha Central
Attachments: Lane Testimony March 2024.docx

I had wanted to say my testimony the other day but track practice ran late so I'm sending it your way.

Thanks so much
Lane Mosteller

Hello. My name is Lane Mosteller. Some of you may know who my Dad is and I want to say that he didn't make me do this, I wanted to speak tonight. I live west of Bern in the area being discussed. I'm a junior at Nemaha Central, the school I've attended since Kindergarten. When the Bern school closed, I was in pre-school there. There were 15 in my class in Bern, 8 of us went to school in Seneca. I was too young to remember much about that time, but Seneca was the right choice for my family. My Mom and Dad work in Seneca. My Grandmother lives 2 blocks from the NC school. My aunt works at NC as a gifted teacher. My other Grandma has been working as a para at Nemaha Central for a few years now. We live closest to Bern, but Seneca is the next closest town and where we do most of our activities. This was the school that made the most sense for my family. Many families around Bern will tell you the same thing.

I know my preschool classmates that went to Sabetha have been part of a good school system and have had many opportunities and successes, but Nemaha Central has been the place for me. I've made great friends, I've had a good education from caring teachers, and I've done extracurricular activities from forensics to my love of running track and cross country. I've had many opportunities and have always felt like those of us from Bern were just part of Nemaha Central.

Until recently, I didn't even know what this meant, but I'm considered an "out of district student" at NC, all the Bern kids are. I've never felt like I wasn't supposed to be there, I used to ride a USD 115 bus full of Bern kids to school every day, I just thought that is where we were supposed to be. Everyone at NC welcomed and supported me from grade school on. I think all the Bern kids would tell you the same story. I don't understand everything going on with this land transfer, but I know that Bern families are welcomed at Nemaha Central and we are all proud NC Thunder.

The open enrollment law and lottery system that goes into effect in my senior year has scared me. I want to graduate from Nemaha Central and I don't want to be separated from my twin sister. If land transfer stops the lottery system for all Bern students at NC, I'm in favor of land transfer. Nobody wants to start over in a new school their senior year, just because they are attending a school that isn't in the correct area for them. I don't understand why Nemaha Central isn't the correct school for me, because it is the closest school to my home and the only school I've ever really known.

I want to thank the USD 115 superintendent and school board for standing up for the Bern students and trying to make us an official part of our school. Thank you for taking the time to be here tonight and for listening to me give my support to land transfer.

Cheryl D. Austin

From: Curt Sudbeck [redacted]
Sent: Monday, March 25, 2024 7:31 AM
To: 113landtransfer
Subject: Proponent for transfer
Attachments: Land Transfer.docx

From: Curt Sudbeck [redacted]
Sent: Monday, March 25, 2024 7:28 AM
To: 113landtranfer@ksde.org <113landtranfer@ksde.org>
Subject: Proponent for transfer

Mr. Gordon--

First off thank you for taking the time to travel to the community of Bern on Friday afternoon. I enjoyed hearing both sides of this argument and was pleased that it was as civil as could be expected. I have attached my comments from that afternoon so I will not be redundant with those. In reflection I know there were comments made in an attempt to support the opponent's side regarding students in the Axtell area paying taxes to Marysville, or a couple of students in Fairview that pay taxes to Hiawatha. Although this is true, I truly feel that you need to take a look at the number of students that this is affecting. There will always be a few outliers on the edge of each district line that will waver back and forth for various reasons, this is not the same as the situation West of Bern where the vast majority of families have chosen to attend USD 115. I know this was driven home as there is not a whole lot of other supporting evidence, but I thought it needed to be mentioned. This district has been oddly drawn going back for generations and I fear that if it is not changed we will find ourselves in this same situation every two years.

Thank you again for your time.

Curt Sudbeck DPT, ATC
Director of Ancillary Services
Nemaha Valley Community Hospital
CONFIDENTIALITY NOTICE: The information contained herein is confidential. It is intended solely for the use of the recipient identified above. Unauthorized use, distribution, or copying of the contents of this message is strictly prohibited. If you believe you have received this transmission in error, please delete the message.

My name is Curt Sudbeck and I am a 2000 graduate of Bern High School. My wife and I were also residents of Bern from 2006-2010, during which time I attended many meetings where certain previously discussed terms were promised to the patrons of Bern. We chose to move before the school closed and now have children being educated in the USD 115 school district. We own land in the contested area West of Bern while both working in Seneca. As a natural flow we have always worked, worshipped, shopped, and done most all business within the Seneca community. The purpose of today's discussion is not to hinder, or leverage one school vs another, as I whole heartedly believe that both USD 113 and 115 will continue to thrive and provide top notch educational opportunities to their students regardless of the outcomes of today's discussions. It is instead about inclusion. We preach inclusion and equal and fair representation to our children daily. Today, you have a unique opportunity to put these words into action and give this small sector West of Bern something that they have not had for the past 12 years, a voice. The golden rule of inclusion is to support others as you would wish to be supported. I truly believe that anyone, opponent or not, if able to step back from the rhetoric of social media, special interest groups, or any fear of future decisions would also agree that these families West of Bern belong in the USD 115 school district. I believe this is the logical, rationale, and ethical decision that needs to be made for our neighbors and community, because it is simply the right thing to do. Some are not pleased that this process has gotten to this point, the point at which the Kansas Department of Education has been asked to intervene. The opinion is that these decisions are best made when done so by local control, or by those most closely oriented to the community. I completely agree. Decisions regarding USD 113 should not be made by patrons that live West of Bern as there is very little insight into the daily operations that carry on. Instead these families should have a voice in the district they are most closely aligned with, which is USD 115. Please free these patrons so that they can have a voice, a feeling of inclusion, and make this community whole again within USD 115.

Thank you.

Cheryl D. Austin

From: Marya Haverkamp [redacted]
Sent: Monday, March 25, 2024 11:17 AM
To: 113landtransfer
Subject: I support the Land Transfer to USD 115

My name is Marya Haverkamp and I live with my family, west of Bern, in the disputed area. My husband and I have four children. Two of them attend NC schools and two attend Sts. Peter and Paul Catholic Schools. All four of our children will, ultimately, graduate from NC Schools. After the closure of Bern school, we did not take the decision of where our kids would attend school lightly. We put much thought and consideration into all of our options.

I grew up south of Seneca and am an alumni of the former Nemaha Valley Schools. My extended family is in the Seneca area and many members of my husband's family live in and near Seneca as well. At the time of the closure of Bern School, our kids were very young and family help was close in Seneca and needed. USD 115 was the obvious choice.

Our home is located closer to Seneca than Sabetha. We were not a fan of having our kids on long bus rides every day to get to and from school. There are well-maintained highways that go west from our home to Seneca. They are favorable over the county blacktop that leads from our home to Sabetha. Knowing that one day we would have teen drivers made the kinds of roads a factor and Seneca/USD 115 was the obvious choice.

We have many more connections in Seneca. We do business in Seneca. Our church is in Seneca and many of our friends are there. This is true now and was true at the time of the Bern School closure.

Never at any time did we worry about the quality of education our kids would be receiving from any school. We are blessed to have some of the best schools and teachers in Nemaha County. We wish no ill will to any school in USD 113, or anyone that works there or attends school there. Sending our children to school in USD 115 was simply what was and is best for our family. I feel that if the tables were turned, any parent would make decisions based on what is best for their family. We want our land to follow our students to USD 115.

Thank you.

Cheryl D. Austin

From: Mikayla Rosenberger [redacted]
Sent: Monday, March 25, 2024 12:37 PM
To: 113landtransfer
Subject: Letter of Support for USD113
Attachments: 0783_001.pdf

Good afternoon,

Please find my letter of support attached for USD113.

Thank you for your time & consideration,

Mikayla Rosenberger
USD113 District Resident

Letter of Support for USD113

KSDE Office of General Counsel
Scott Gordon
900 SW Jackson St.
Topeka, KS 66612
113landtransfer@ksde.org

Dear Mr. Gordon,

This letter is regarding the land petition filed against USD113. I support USD113's request to dismiss the petition and ask the Kansas State Department of Education not to force the transfer of any land to USD115 for the reasons listed below.

- There has not been a material change in circumstances of a substantial and weighty measure, such as a recent school closing. Both USD113 and USD115 have routinely accepted out of district students as standard practice for years. This includes accepting USD113 students from the Bern campus when it closed in 2012 and accepting USD115 students at the Axtell campus when Nemaha Central closed their Baileyville attendance center in 2014. With the passage of HB2567 and its effective date for the 2024-2025 school year, the state legislature has made it clear land valuation does not follow student enrollment and attendance.

- In the petition, USD115 answered most resident families with and without school- age children and most nonresident landowners wish their land value transferred. The petition was filed prior to the February 15th deadline but the land surveys required by the KSDE guidelines were not completed prior to the file date. USD115 also answered that there is no land in question on which there are no resident families, which is incorrect.

- The petition seeks to transfer territory that is the subject of previously agreed upon transfer to USD380. This creates a conflict that requires disqualification of counsel who represents both USD115 and USD380. This counsel also represented USD335 in addition to USD115 and USD380 during the mandated mediation process and was aware of all mediation agreements prior to the filing of the land transfer petition for USD115.

- Despite the petitioner's argument that this issue is "not about the money" but rather ensuring board representation and voting rights of families who send students out of district, their actions have contradicted this. USD113 not only offered a value-neutral land transfer but this transfer would have allowed USD115 student families who attend the USD113 Axtell campus to also have representation in their district of attendance. Instead, USD115 counter-offered by not offering that same benefit to those families but also included over 20 USD113 students that would be displaced out of district if the petition is approved. This does demand does not consider the long-term effect a transfer would have on all students living in the petitioned area, as required by guidelines.

While this list of reasons is substantial, it is not inclusive of all rationale supporting my opinion that the land-transfer petition must be dismissed. Thank you for your time and consideration.

Sincerely,

Mikayla Rosenberger

[redacted]

Cheryl D. Austin

From: Heaven Schuette [redacted]
Sent: Monday, March 25, 2024 1:28 PM
To: 113landtransfer
Subject: Support for USD 113
Attachments: land transfer.pdf

Mr. Gordon,
You will find our letter of Support for USD 113 attached.

Thank You For Your Business!

Ryan & Heaven Schuette
Schuette Lawn Care

Letter of Support for USD-113

KSDE Office of General Counsel
Scott Gordon
900 SW Jackson St.
Topeka, KS 66612
113landtransfer@ksde.org

Dear Mr. Gordon,

This letter is regarding the land petition filed against USD113. I support USD113's request to dismiss the petition and ask the Kansas State Department of Education not to force the transfer of any land to USD115 for the reasons listed below.

- There has not been a material change in circumstances of a substantial and weighty measure, such as a recent school closing. Both USD113 and USD115 have routinely accepted out-of-district students as standard practice for years. This includes accepting USD113 students from the Bern campus when it closed in 2012 and accepting USD115 students at the Axtell campus when Nemaha Central closed their Baileyville attendance center in 2014. With the passage of HB2567 and its effective date for the 2024-2025 school year, the state legislature has made it clear land valuation does not follow student enrollment and attendance.

- In the petition, USD115 answered that most resident families with and without school- age children and most nonresident landowners wish their land value transferred. The petition was filed prior to the February 15th deadline but the land surveys required by the KSDE guidelines were not completed prior to the file date. In fact, calls were still being made to landowners well into March. USD115 also answered there is no land in question on which there are no resident families. This is incorrect.

- The petition seeks to transfer territory that is the subject of previously agreed upon transfer to USD380. This creates a conflict that requires disqualification of counsel who represents both USD115 and USD380. This counsel also represented USD335 in addition to USD115 and USD380 during the mandated mediation process and was aware of all mediation agreements prior to the filing of the land transfer petition for USD115.

- Despite the petitioner's argument that this issue is "not about the money" but rather ensuring board representation and voting rights of families who send students out of district, their actions have contradicted this. USD113 not only offered a value-neutral land transfer but this transfer would have allowed USD115 student families who attend the USD113 Axtell campus to also have representation in their district of attendance. Instead, USD115 counter-offered by not offering that same benefit to those families but also included over 20 USD113 students that would be displaced out of district if the petition is approved. This document does not consider the long-term effect a transfer would have on all students living in the petitioned area, as required by guidelines.

While this list of reasons is substantial, it is not inclusive of all rationale supporting my opinion the land-transfer petition must be dismissed. Thank you for your time and consideration.

Ryan & Heaven Schuette

Cheryl D. Austin

From: Jessica Stallbaumer [redacted]
Sent: Monday, March 25, 2024 2:34 PM
To: 113landtransfer
Subject: Proponent of the Land Transfer from 113 to 115

Dear State Board of Education members,

I'd like to start by defining the word "Pragmatic" - dealing with things sensibly and realistically in a way that is based on practical rather than emotional or theoretical considerations. Now, I'd like you to keep that word in mind as we discuss the issue at hand.

My name is Jessica Stallbaumer. My family has resided just west of O Rd, west of Bern since moving back after graduating college. We purchased the house in 2009- nearly 15 years ago. As two Bern graduates, we feel blessed and lucky that our careers led us to live back in our hometown community. We both foster a lot of Bern pride. But as our children came of age to go to school, our lives had naturally gravitated towards the Seneca community. I worked there, we doctor and dentist there, we buy our groceries there, and our closest friends and family live there. We do life in Seneca, because it's CLOSER! Since we no longer had the option of sending our kids to Bern school, It only made sense that our kids would go to Seneca. And luckily, although out of district, USD 115 was welcoming and accommodating from day one.

To us, it's not a question of loyalty or hatred, not a long-term revenge feeling or a plot bring anyone else down. Our decision to send our kids to Seneca was simply pragmatic.

Geographically, it just makes sense as well. One example I wanted to share that I had observed was the busing. The kids in Bern that go to Nemaha Central have an hour + bus ride to and from school each day. That's 2 hours on a bus, and let me tell you, that's a lot for my energetic little boys - just ask Gary Bradley. Bus drivers are saints. Meanwhile, each morning I would see the USD113 bus go by 15-20 minutes earlier than ours, and I'd just think "Thank goodness we don't have to be ready that early" because heaven knows I have a hard enough time getting our 4 angels out the door every morning on time already! Doubled, that would be another 40 minutes a day on a bus for my kids- and that's with very few kids to the west of us even going to Sabetha. If all the kids in the current 113 district actually went to Sabetha, I hate to think how long that ride could be.

My oldest is 10 and we are just getting started with the daily kids activites... 113 supporters will say "it's only 5 more miles to Sabetha". Ok, so thats 10 miles there and back for the first trip to town. Then another 10 miles to head back in after school for baseball practice. Then another 10 miles when we have to go back and pick that kid up, and grab some forgotten groceries... it's not uncommon we have to make 3+ Trips to town in a day.. that's 30 more miles. 30 more minutes of our lives in a car. That's 210 hours a week- 10,920 hours in a year. That's ridiculous when there's a better option!

It really just seems like common sense to us. Our choices aren't emotional or vengeful. It's the pragmatic choice. When this area is saturated with people harboring the same feelings, it's only right that we should collectively get to have a voice in our school, and how our children's education is run. To do that, we need to transfer our land and our voice to USD 115 school district. It's where we belong and where we will stay. That is the pragmatic decision.

In addition, I would like to retort an opposing view. One scare tactic the opponents festered on was the thought that if you allow this transfer, you the state will be haggled for years to come with everyone who is unhappy with their district - they say it will be a "slippery slope" and "set a precedent" that anyone should be able to change their district at will.

Well that theory is completely bogus. They are treating our school closure, the promises we were made, and our huge area of like-minded constituents as if we are no more than one unhappy person who wants to whine. We present a unique situation and a very large group of people! Sabetha ignored our petitions to change land upon Bern's closure, telling us emotions were too high, and that we would make unpragmatic decisions. They said that we needed to wait for the dust to settle before switching land around. Now, they say we are too far out, and it's silly to even think about switching. This is NOT just a couple of disgruntled landowners. The survey's prove, (and their arguements saying the surveys were unfair are also completely bogus!! A lot of time and thought were put into those to ensure they would be done fairly and non-biased) we are a huge area that after even 12 years, a staggeringly high percentage of landowners agree, our land should be switched. It's not for revenge - it's the RIGHT thing to do! They know that now, and that is why they immediately found a way to make this happen with the Wetmore closure. However, why do they still think our community does not deserve the same courtesy? We deserve the same common sense change!!! And in my completely honest opinion, if there are other areas of the state facing an equal dis-service, they SHOULD be given the option to transfer as well.

Please, I ask of you, vote to have this land switched from USD113 to USD115.

Respectfully,

Jessica Stallbaumer

Cheryl D. Austin

From: Jesse Mitchell [redacted]
Sent: Monday, March 25, 2024 3:21 PM
To: 113landtransfer
Subject: USD 115 Land Transfer Petition

Mr. Gordon,

First off, I appreciate you taking time out to try and work through the land dispute between USD 113 and USD 115. Having been born and raised in Sabetha, I've seen the fallout from past school closures and the ugliness it can bring out in people. Obviously I will have a bias due to where I was born and raised, and where my children, 2 of 3 so far, have graduated. To avoid taking up too much of your time, I'm going to outline below what my thoughts are on this issue, for what they're worth.

Pro land transfer

- It is expensive to educate children today, and it will never get less expensive. I can certainly understand USD 115 desiring more land in the transfer as it will allow for more tax dollars to flow into their district, making education of the children who attend there less of a burden to their communities and taxing authority.
- No one is going to turn away money that wasn't budgeted. People elect to take all applicable deductions during tax time as it lessens their tax burden and means more money in their pockets, school boards are no different. If I were USD 115, and thought potentially there were tax dollars being left out on the table that could be brought in house, it would make sense to fight for every dollar.

Con land transfer

- If I am remembering correctly, when the Bern school district saw the writing on the wall and knew they needed to join another district, USD 336, what is now 115, had no desire to keep the Bern facility open after consolidation. USD 336/115 was happy to accept those students, but they would go to Seneca. USD 441/113 welcomed the students from Bern with open arms and allowed for the Bern facility to remain open, with the caveat that it was not a promise to always be able to keep the Bern facility open. LIke many smaller schools, there came a time thereafter when it wasn't feasible to keep the Bern facility open any longer. By choosing Seneca USD 336 at the beginning, Bern was facing certain closure, hence why Bern joined USD 441/113, knowing that while it may not be open forever, the Bern facility was safe for a bit longer. USD 113 kept Bern open as long as it was feasible, and when they voted to shutter the Bern facility, USD 113 was the enemy, everyone forgetting that USD 441/113 kept the Bern facility going for a number of years beyond what would have happened had they joined USD 336/115. Why is a matter that was handled between districts amicably years ago, at the forefront again?
- Land transfers were discussed when Bern closed, but ultimately neither side raised much of a stink about land transfers. During the next several years, the Bern students adjusted to their lives in USD 113 and USD 115, and while some feelings were still hurt, for the most part, the communities healed and moved on. It is my understanding that USD 115 gained 2 students after

the Wetmore school closure. Is the capacity at USD 115 so tight that the addition of 2 students requires opening a settled matter from over a decade ago?

- USD 113 and USD 115 both educate a considerable number of out of district students. Both districts have done so without any hesitation over the years. Both districts did the right thing by understanding the reasons for the kids wanting to be educated in their facilities, even though they reside out of district. I remember when I went through the USD 441 system, my class had many kids who came from out of district and even out of state. All were accepted and welcomed. Both USD 113 and USD 115 have been a welcoming home for everyone, regardless of where they live or where their tax dollars go, so this leads me to ask, why now?
- The land transfer discussion between USD 441/113 and USD 336/115 has been settled for over a decade. Now a new school board has decided they were given the short end of the deal so now want KSDE to step in and grant them the land transfer, over a decade after the original matter was settled amicably.. This precedent, if the land petition is granted, would be a nightmare for KSDE and small communities around Kansas, as neighboring districts with new school board members would then feel justified in requesting land transfers for closures/consolidations that were worked through and settled many years ago. Where will the cutoff be if this precedent is set? Will the district 415 be able to petition for more land from the Morrill, KS school closure from 50+ years ago?
- The land petitions, especially the petition that you've been tasked with providing an opinion on, have cost all the districts involved a significant amount of money. Lawyers, not a denigration to your profession, are not cheap. The time and costs associated with district administrators needing to dive deep into this matter as the districts battle it out, is not cheap. The money spent reopening and fighting for additional land, would have been better spent helping educate the children in our communities.

Regardless of what decision is made about the land transfer petition, the wounds that were healed many years ago, opened again so a few community members feel their perceived wrongs are righted, will eventually heal again. When there is a crisis that happens in Sabetha, the communities of Bern and Seneca will be first in line to lend a hand to help Sabetha recover. Likewise, those community members in Bern and Sabetha will be there to help Seneca during their times of need. I am certain of this as those are the values we are taught in rural Kansas. Treating others with kindness and compassion is a defining characteristic of rural Kansas communities. It reminds me of the intense football rivalry between Seneca and Sabetha: for two days each year, during the 48-minute games, they are fierce adversaries. Yet, for the rest of the 363 days, we are all neighbors bound by love and mutual respect, united in our desire for every community and district to thrive.

All the best,

Jesse Mitchell

[redacted]

Cheryl D. Austin

From: [redacted]
Sent: Monday, March 25, 2024 10:14 PM
To: 113landtransfer
Cc: davide@ksiedge.com
Subject: dissatisfaction with petition for land transfer
Attachments: Land Transfer Letter.pdf

To the State Board of Education,

I have attached to this email, a letter detailing my concern with the petition submitted by USD #115 for transfer of land from USD #113. I ask that you please read and consider my concern about granting this transfer as is.

Thank you,
David Edelman

[redacted]

3-24-24

To The Kansas State Board of Education

I am writing in regards to the petition by the Board of Education of Unified School District #115 for transfer of Territory from Unified School District #113. I am strongly opposed to this Petition because it is far too aggressive in the acquisition of land for district #115.

In Exhibit F of the Petition, Family Preference is listed as one of the reasons justifying this land transfer. In the public hearing at Bern on Friday 3/22/24, it was stressed how the residents in the petitioned area are geographically close to the Seneca schools, do the majority of their shopping in Seneca, doctor in Seneca, and consider themselves part of the Seneca community. In the eastern most part of the petitioned area that is simply not true and is in fact a bold faced lie! Although I do agree that a portion of what used to be USD#488 that lies farther west should be transferred, this petition includes land much to far east. The eastern portion of this petitioned area even includes Sabetha postal addresses!

If the State Board of Education is responsible to force the transfer of land from one district to another based on Family Preference, what about the residents and land owners on the eastern border of the existing #115 district who prefer to be in district #113? My childhood home is on the western edge of #113. My parents have land on both sides of the road, some in #113 and some in #115. My sister's home is on the #115 side of the present district border. They doctor in Sabetha. They shop in Sabetha. She sent her son to school in Sabetha. It would have been geographically inconvenient for her to have sent her son to school in Seneca. USD #115 is asking the State Board of Education to transfer land of some families for these very reasons but refuse to give up land to #113 that would address the very same needs of other patrons. If the state board addresses these issues for some, why not address them for all?

At the public hearing at Bern on Friday 3/22/24, a #115 school border member stated that nobody has ever requested to have land transferred from #115 to a neighboring school district. I can assure you that is only because the option was never given to do so. Give us the option, and the requests will come!

USD #113 presented a land swap proposal to USD #115 that in my opinion was too generous. That #113 proposal offered to transfer land to #115 that should not be transferred and was not asking for land to be transferred to #113 that should be. As generous as that proposal was, #115 rejected it. I believe that the USD #115 petition should be rejected and that school district should be forced to go back to the negotiating table if they want land transferred.

Thank you for taking the time to read my concerns,
David Edelman
Resident of #113

Cheryl D. Austin

From: Myra Runnebaum [redacted]
Sent: Tuesday, March 26, 2024 1:05 PM
To: 113landtransfer
Subject: USD 115 view

As a grandparent of children attending Nemaha Central school and as a taxpayer, I would like to see the transfer of land for those who are continuing to attend our school district.

As these families have expressed their desire to have their children attend our school, it puts a burden financially on our school to provide to ALL the students the best education possible. If the funds are distributed fairly then it will allow our district the additional funding that is needed to accommodate all who wish to attend. I do not wish my grandchildren who will be attending for at least the next 16 years to have their education limited as we have the extra students. AND I do not want the parents who presently send their children here have to go somewhere else.

I understand if it was just a couple of families that is not worth the consideration. But with the large number who consistently have sent their children to NC that is quite an impact.

I know there are two sides, and I will pray you weigh all the issues and make a fair decision for all.

Thank you for your time.

Myra Runnebaum

Cheryl D. Austin

From: Any Size Storage [redacted]
Sent: Tuesday, March 26, 2024 3:58 PM
To: 113landtransfer
Subject: Land parcel change from USD 113 to USD 115

Dear Sirs:
I Jay Fischer owner of parcel ID Numbers
0660310100000004000, 0660310100000001000, and 0660230600000002000 total approximately 509.63 acres request that these parcels be transferred to USD 115 Nemaha County Central.
Thank you for your consideration.
Call if you have any questions.
Jay Fischer
[redacted]

Sent from Yahoo Mail for iPhone

Cheryl D. Austin

From: Karla Kramer [redacted]
Sent: Wednesday, March 27, 2024 7:14 PM
To: 113landtransfer
Subject: Points after public hearing in favor of #115 proposal

Dear Mr. Gordon and KSBE members,

Thank you for taking the time to come to Bern and listen to our testimonies in the land transfer petition. I implore you to really consider each story the families from Bern shared and why this petition was filed.

As I reflect on some of the testimonies given I keep circling back on a few points made:

1. In the history of the consolidation and closure, it was mentioned numerous times that Bern voters went to the polls under the false pretense that Sabetha would a) try to keep their school open as long as possible and b) let the land transfer if buildings did have to be closed. I lived in Bern during this time and I can attest to this. Shortly after the closing of Bern school, landowners pleaded with #113 to let them transfer their land to Seneca where more than 75% of the families sent their children to school. At that time they were told, "It's too early...emotions are too high." They were again asked a year after students settled into their respective schools and then Bern families were told it was too late. Now, we find ourselves twelve years later asking the same thing and Bern residents are being told, "It's too late...the timing is wrong?" So my question becomes: when was the right time to ask for a land transfer? It seems there never was an opportune time.

2. On December 11th #113 reached an agreement with both Jackson Heights and Vermillion school districts to give land to these neighboring districts due to the fact that every single student from the Wetmore academic center left the district. I applaud the leaders of #113 for acknowledging that it really was in the best interest of that area to belong to the district where their kids would be attending school. However, an agreement was not reached with #115 due to a land trade proposal perpetuated by #113. In this trade proposal, Sabetha conceded that they would be willing to give the land west of Bern to #115 but ONLY for an equal valuation trade of land near the eastern border of Axtell. USD #115 did not accept this proposal for good reason! In this area, five students attend school at Axtell and twelve students attend school at Nemaha Central. It would be ludicrous to think that #115 would kick twelve kids who already attend Nemaha Central out of district so that five could be in-district at Axtell. Additionally, if you ask the families going to Axtell in this area, they will tell you they don't want their land transferred. The school board that proposed this land trade failed to even talk or listen to their constituents. It was even stated at a monthly board meeting by the sole Axtell school board member that people in this area were not in favor of the land trade. That didn't stop those from Sabetha from forging ahead with the request. Had they actually just stopped and listened, I don't think we would have even found ourselves in this petition process. That trade proposal was obviously not about the students but rather a pipeline that runs through the area with a large property valuation.

3. I also just want to note a few things: In all of the testimonies given, where were the majority of the testimonies derived in favor of the petition from? The people in the affected area. These

were real, raw pleads from people that want to be part of #115's district. Who gave testimony on the opposition? Every single person was from the Sabetha or Axtell schools. I'd like to point out that not one single person that spoke was actually from Bern, despite Sabetha's continued attempts to convince Bern patrons that numerous families want their land to remain in #113 district. If that is the case, where were those people? Having not one person living in the affected area that spoke in opposition to the land transfer would seem to be a compelling observation to anyone really analyzing the situation.

4. Lastly, just a rebuttal to a few things mentioned by #113 at the public hearing. It was mentioned by Mr. Evans that Nemaha Central "recruited" Bern kids to come to their school. This is absolutely and completely FALSE....laughable really. You, Mr. Gordon, also questioned how many school board members lived in the petitioned area and Mr. Evans responded with "two." I would like to know who these two school board members are because there are ZERO board members that reside in this petitioned area. I'll give him the benefit of the doubt that maybe he misunderstood the question or perhaps I misunderstood your question to him. This, however, has been the whole point all along–Bern patrons have had no representation on the board since shortly after closing, nor will they ever! The way the boundaries are drawn and how the process by which they elect board members is set up (everyone in the entire district can vote for all positions), Sabetha will always outnumber the smaller communities in the district.

I would think anyone who can analyze data could see that sensibly there IS a portion of the old Bern district that belongs in Nemaha Central's school district. Please, please consider voting in favor of this petition. I hope that you can take a logical, pragmatic approach to resolving the issue that has plagued our communities.

Cheryl D. Austin

From: Heather Murphy [redacted]
Sent: Thursday, March 28, 2024 9:34 AM
To: 113landtransfer
Subject: Sabetha resident

Hello,

When my children were small we lived out of 113 district, in Fairview. My family lived in the Hiawatha district, and I worked in Hiawatha as well. At that time there was a "rash" of teenage pregnancies in Hlawatha and there was a discussion about whether or not to have a daycare center on the highschool grounds. I work in social services and I am realistic about teenage pregnancy, it happens. However, having a child care center in the highschool set a standard that gave permission for youth to get pregnant, (of course, in my opinion). That was not the value system I wanted my children to have. My husband and I discussed this. We both felt that for us, USD 113 was a better choice. We also discussed we would not have voting rights and would not be able to participate at the board level. Our priority was our children and what we felt was the better choice.

My children are both graduates of Sabetha High School. I do not regret our choice. My children were active in all aspects of the school as they grew, and so was I.
I have empathy for the folks in Bern. They did not have any good options when it was time to move forward, but they made a choice. They made a choice of where they wanted their children to go to school, the same way I did.

Thank you for your time,

Heather Murphy

Cheryl D. Austin

From: Stephanie Graf [redacted]
Sent: Thursday, March 28, 2024 10:43 PM
To: 113landtransfer
Subject: Bern Land Transfer

Hello. My name is Stephanie Graf & I am a resident of Bern, east of O road. My family has lived here for 5 years. My 3 children have went to NC for all 5 of those years. We shop, eat, hang out, support businesses, and have a lot of family in Seneca. We've always supported Seneca & NC. I am writing you this evening to ask you to consider the land transfer to NC. I went to the meeting & I saw the amount of parents & family's who stood saying their kids attend NC rather then Sabetha. And I saw the amount of people who stood who send their kids to Sabetha over NC. The numbers are there. It's clear that Bern residents choose NC. The land should follow as promised. I appreciate you taking the time to read this & I truly hope the correct decision is made.
Thank You.
Stephanie Graf

Cheryl D. Austin

From: Kim Sudbeck [redacted]
Sent: Friday, March 29, 2024 12:32 PM
To: 113landtransfer
Subject: USD 115 Proponent Information

I'd like to begin this email by stating that I did provide verbal testimony on March 22, 2024. However, due to the 3 minute time limit, I did not get to share all of my information. You will see all of my original information that I would like to have presented. Below, the information has been bolded, was what I presented verbally. Since listening to other proponent and opponent testimony, I have added additional information that I gathered while in attendance on March 22 (in blue).

Please let me introduce myself, my name is Kim Sudbeck and my husband Matt and I live at 1432 200th Road, Bern, KS. We have two sons that attend Nemaha Central Schools and we support the land transfer to USD 115. I did not grow up in Bern, not even in Nemaha County, not even in Kansas. But I believe that by not growing up here, I am like an outsider looking in, evaluating the facts and decisions as they have been made without a great deal of personal emotional connection.

- **Bern-Axtell-Summerfield were approached by BOTH Nemaha Valley and Sabetha-Wetmore School Districts about consolidation. Nemaha Valley openly stated that they would close Bern-Axtell-Summerfield buildings in the consolidation process. Sabetha-Wetmore promised to keep these buildings/schools open. Bern-Axtell-Summerfield agreed to consolidation with Sabetha-Wetmore due to this promise.** Multiple Bern Patrons testified to the same conclusion, including a former Bern-Axtell-Summerfield Board of Education member–That one school openly offered consolidation, including recognition of building closures while the other made false promises in order to solidify the deal. When Mr. Gordon asked Mr. Evans, USD 113 Superintendent, if the vote for consolidation was held today, would it be approved. Mr. Evans stuttered and then replied probably not. No USD 113 Patron stated otherwise, only that the vote was 80% in favor of the consolidation at that time.

- **During consolidation with Sabetha-Wetmore, many Bern Landowners approached the NEW USD 113 district because their students would be attending the newly formed USD 115 school district and were told that their land could follow their students through a petitioned Land Transfer process.** Bern Patrons testified that in 2010 they had attempted to seek land transfer and were told by USD 113 BOE it was too soon and emotions were too high. In 2012/2013, again Bern Patrons tried to seek land transfer and were told it was too late. Where in a two year time frame is the appropriate middle ground, 2011? Would it have been approved then? I believe USD 113 stone-walled all attempts made by Bern Patrons for over 10 years. Until new USD 115 Administration and BOE members were willing to pursue this endeavor, the Bern Patrons were left with little choice. In 2022/2023, with the impending closure of Wetmore school, USD 113 and Jackson Heights were able to reach an agreement and no waiting period was needed even though emotions were high.

- **In 2013, Bern Landowners signed their Land Transfer petitions and waited for due process. Waiting for both USD 113 and USD 115 to complete this process.** Stonewalled petitions from landowners and also reluctant administration and BOE in BOTH DISTRICTS, resulted in a 10 year stall in negotiations.

- **Continually over 10 years and even increasing in numbers, Bern Students have attended school at Nemaha Central and have been transported by USD 115 school bus.** USD 115 has openly accepted Bern students since consolidation/closure, increasing in numbers from 50s to almost 80 students. My eldest son rode the USD 115 bus for a number of years, he was the first on and the

last off every day. 6:50 am pick up and 4:15 pm drop off, due to our driver living in Bern. So he starts the route at home and finishes at home. Mr. Gary Bradley, proudly parks the bus in front of his home. At the age of 84, and the end of this school year, he will officially retire one final time. Mr. Bradley was a woodshop teacher at Bern High School and taught many students the value of hands-on hard work. I have 4 beautiful projects in my home that my husband made as one of Mr. Bradley's students; executive desk, bookcase, gun cabinet, and cedar chest. And I am grateful that he got to know my sons as well. An honest man, proud to serve his school and community.

- **A resurgence in vocalization of the Bern Landowners, was indeed spurred by the Wetmore school closure. The Wetmore Patrons did get a quick land transfer agreement between Sabetha and Jackson Heights school districts. Leaving Bern Landowners to wonder WHY they can not get what they asked for 10 years ago.** Bern Patrons were told it was too soon. Bern Patrons were then told it was too late. Wetmore gets cut off like a severed limb. Why is one area/school more easy to part with than the other? What benefits did removing Wetmore have to Sabetha? What is the benefit to keeping Bern for 10 years?

- **USD 115's current Board of Education and Superintendent, along with Bern Patrons, have tried to negotiate with Sabetha's school board. USD 115 wanted to keep negotiations PUBLIC and open, recorded, and documented. Sabetha's school district wanted to have Executive Session meetings and keep everything closed-door. This is where negotiations between USD 115 and USD 113 stalled and Nemaha Central sought mediation.** After I spoke about WHY mediations stalled, a former USD 113 BOE member who was on the board when Wetmore was closed, admitted to unlawful conduct by the USD 113 district. He stated, and I paraphrase, that USD 113 wanted closed-door negotiations not to hide anything, but because they were in open negotiations with another school district, Jackson Heights, and that by the KSDE statutes was not allowed.

- Bern Patrons are following the data. We are not seeking the entire original Bern School district. We are seeking where the majority of the USD 115 Bern students attend. "Q" road aka the Goff-Oneida road is a natural line that runs north and south through Nemaha County. Having the boundary at "Q" road does NOT get every family that attends Nemaha Central, but the majority of them. In Ross Mosteller's opening remarks, he had patrons from both proponent and opponent sides stand if they had students that lived in the disputed area. In the USD 115 proponent area half of the people stood and many of those provided verbal testimony. In the USD 113 opponent area only a handful of people stood and NONE of them provided testimony against the land transfer.

- In the offered "Land Trade", USD 113 does not gain a majority of patrons, in fact the majority of those landowners support, or attend(ed) USD 115. If in return, a cluster of Landowners north of Baileyville had chosen to attend Axtell schools, this would then be a reasonable compromise, but there is no data to support this. While many patrons of USD 113 provided testimony, NONE of these patrons actually lived in the disputed area. This leaves the question, why didn't the landowners in the disputed area testify in support of 113? Do they not want to speak in favor of their school, their district, their students, and their land? Or do they genuinely know that the USD 115 landowners were in fact promised and not granted a land transfer? And although they choose to attend 113, they have the compassion and empathy for those that chose otherwise?

- Bern Patrons are seeking Land Transfer for representation in the school that their students attend. The ability to VOTE in district matters, the ability to seek a School Board position, the ability to help fund school improvements. We are seeking a VOICE. USD 115 has continually made improvements to its facilities in order to compensate for it's increasing student body. The current NCEMS building was built in 2009 after a fire destroyed the prior, original Seneca Grade School in 2007. The NCEMS building was built with a PROJECTED enrollment of 375. NCEMS enrollment is 490 students in 2023. A link with 4 additional classrooms, 2 offices and bathrooms was added to join NCEMS to NCHS. These were supposed to be flex rooms for BOTH buildings to utilize. NCHS used 1 room for 1 year, part-time. NCEMS has expanded into this space and has also brought in a 2 classroom

mobile unit. USD 115 proposed a full-out, all needs met, wish-list checked bond. Bern Patrons supported these improvements but could not vote to help make it a reality. Instead, it was rejected and a smaller bond issue was proposed and approved.

- Bern Patrons understand that the line will not be flexible. That at some point someone will build a new house or move and then be "out of district" and still want to attend Nemaha Central. These students will then be part of the open enrollment lottery system. The 10 years of loyalty to Nemaha Central Schools deserves to be applauded and compensated by transferring their land to the school district they attend. USD 113 Opponents stated that this land transfer was opening a Pandora's Box. This may truly be the case; however, this may be a statewide problem that needs to be addressed. In 2009 when consolidations were being imposed by the State many schools made agreements that may not necessarily be a true reflection of their current student population, simply to keep their schools open. In fact with 24-25 Open Enrollment, this problem may EXPONENTIATE as students transfer to a different school because they can, not because of where they live. I believe that IF this causes a Pandora's Box it was created from the State level, 50 years ago, 15 years ago, and that the State would need to help fix a problem that has been historically created. The State along with the school districts would need to evaluate each school district's nucleus of students, gather an overall look of attendance center to geographical position, and help facilitate changes statewide.

What I would most like to point out is that Nemaha County is a little "backwards" in its ways. And what I mean by that is we still take a man's word and handshake, as a contract. My father-in-law, Larry, was the epitome of a man of his word. And just like the generations before us, we expect those who say they will do something, to honor that. We trust that those who represent us, will in fact have the best intentions and put others above their own agenda. We value hard work and integrity. We honor God, our family, and our neighbors. **So when promises during consolidations were made; whether verbal, written or signed, those promises were in fact contracts.** And for 10 years, Bern Patrons have sincerely believed that these "contracts" would be upheld. We genuinely believed that due process would unfold and eventually the land transfer rectified. All the while we were left without representation, as our children attended Nemaha Central, the school that we believed was the best for them.

This is where my testimony and additional information ends. However, several more items were brought to my attention, while listening to the rest of the hearing on March 22, 2024.

- COUNTY ATTORNEY Brad Lippert testified on behalf of USD 113. He did not state in full disclosure who he was or the conflict of interest he was presenting. As the COUNTY ATTORNEY he has affiliation with both districts, their students and families.

- USD 113 claims that USD 115 survey was not done accurately. However, USD 113 did not complete a survey at all. I am curious, if contacted, what would the 21 USD 113 students choose to do IF they know that they will now be USD 115 district students. Would they choose to stay at USD 113, as now out of district students? Would they choose to homeschool or attend a private/parochial school? Would they choose to attend USD 115 because they are now "in-district"? This is the information that I had hoped would be available at the public hearing.

- When Mr. Gordon asked if USD 113 would accept any students from the area IF USD 115 would turn away all their Out of District Bern students, Mr. Evans, USD 113 Superintendent, said they would and could. When asked how many Out of District students from Bern USD 115 accepts each year, Mr. Desormiers, USD 115 Superintendent, said all that are in good standing. The question I would like to have asked would have been "Mr. Evans, if the land transfer happens, and 21 of your students are now Out of District, would you still accept them at USD 113? And conversely, "Mr. Desormiers, if the land transfer happens, and all 21 students enroll at USD 115, what effects would it have on your district and facilities?

- Multiple times USD 113 representatives stated that "it is expensive to operate 2 campuses." USD 113 operates the Sabetha Bluejay Elementary, Jr. High and High School campus in Sabetha, KS along the east side of Nemaha County line and Axtell Eagles operate their K-12 campus in Axtell, KS along the east side of the Marshall County line. Following the USD 113 trend of school closures (Summerfield, Bern and Wetmore), one can only assume based on their prior operations and their own admittance of expense, that Axtell would be sooner rather than later. So when Axtell is closed, and ONLY the Sabetha Campus remains, would Sabetha Bluejays keep the USD 113 Prairie Hills moniker or because they are no longer consolidated, just be the Sabetha Bluejays as they have preferred to remain the last 10 years, and historically prior to that.

- In an Axtell Patron's testimony, he stated that he lived out of district and chose to send his students to Axtell. He stated that if you don't like which district you live in, then you can move. And although that may be the case from some families, that is not a reality for our RURAL families. We are 4th (grandparents), 5th (parents) and 6th (children) generation family farms. You can NOT just pick up the farm and move it to where you want it. The land has been in families for hundreds of years; growing, changing and adapting to environmental and economic factors, but nonetheless stationary. And just like our family farms, we are not going anywhere.

With high regards and much respect, and appreciation of your time;

Kim Sudbeck

Cheryl D. Austin

From: Carol Sack [redacted]
Sent: Friday, March 29, 2024 1:32 PM
To: 113landtransfer
Subject: 115 and 113 land transfer

To Kansas State Board of Education members:

My name is Carol Sack, and I'm a lifelong resident of Nemaha County. I've watched small schools close in our area many times, Corning, Kelly, Goff, and Baileyville are some examples over the years. Then came the closings of Bern and Wetmore. This was different. It was the first time I've seen a district turn against some of their own. These schools were treated poorly and unfairly for years before they closed. There was not an equal share of money, resources, or educational opportunities for Wetmore or Bern schools for years leading up to the closures of the schools. Yet with small town pride, and through local donations, the students in the schools did get some of the things that Sabetha was getting. And the students themselves worked hard to excel. I have never seen a school close and the majority if not all of the students leave the district. That has to speak volumes. Sabetha benefits, but does not seem to care. Why do they want the land, but not the students? If they truly cared about the students wouldn't they have been giving them equal resources for years?
One of my concerns is the Axtell Schools. I have grandchildren attending that school. Currently, Sabetha is gushing praise on Axtell, talking about the good families and good sports teams. Trying to show they stand behind this small school. If you take a closer look, you will see that the community has paid for the new weight room, not the district, the community recently paid for and did the labor to put in a much needed new playground for the elementary. The community has purched library books. I see the district leaders speaking with words, not actions, and much less funding than seems appropriate. Past behavior can predict future behavior. Will District 113 soon close Axtell, try to keep the land, and not really care where the students attend?
Please consider transferring the land to 115, especially the Bern area land. These families have become a part of the 115 family over the past 12 years. It's time for them to officially have a home with 115.
Sincerely,
Carol Sack

Yahoo Mail: Search, Organize, Conquer

Yahoo Mail: Search, Organize, Conquer

Cheryl D. Austin

From: Curt Haverkamp [redacted]
Sent: Tuesday, April 2, 2024 4:36 PM
To: 113landtransfer
Subject: Represenatation
Attachments: Re: Bern Land Transfer

Good afternoon,

Thank you for coming and listening to the people that **live** in the affected area of the land transfer. We really hope that we can officially get some closure on this issue after our school was shut down 12 years ago.

I just had one more comment regarding representation on the school board. It was brought to my attention that Todd Grimes, the school board representative that is supposed to represent the Bern area was not even at the meeting in Bern on March 22nd. To me that is something that he should have went to and listened to what everybody had to say.

Before this last election, Leslie Scoby was the Bern area representative even though she lives closer to Sabetha. She decided to run for the at large position this turn instead of running for the same position. When they found out Ross Mosteller was running unopposed for the position that she left, they made sure to find a Sabetha person to run against him, and that ended up being Todd Grimes.

Almost a year ago I had reached out to Leslie Scoby in an email to voice my thoughts respectfully on the matter and the response that I got back from her was anything but professional. I have attached the email for reference. She "quickly glanced" at my email and copy and pasted me a response that she had sent to someone else. I do not feel like that is considered fair representation from somebody who is supposed to represent the Bern area. I would have been fine with her just sending me a quick email saying she would be out on vacation for awhile and she will answer my questions when she returns. But to copy and paste her response to me from another individuals email really did not sit well with me or answer my questions.

Please help us do what is right and put us in a school district that actually cares about what is in the best interest of the kids.

Respectfully,

Curt Haverkamp

[redacted]

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Cheryl D. Austin

From: Leslie Scoby [redacted]
Sent: Thursday, April 20, 2023 3:36 PM
To: Curt Haverkamp
Subject: Re: Bern Land Transfer

Thank you for your email. Unfortunately, I had to read it very fast as I'm boarding a flight. I will be out of the country for 10 days. Therefore, I'm copying a response to another person with the same interest as you.

Thank you for your email. The USD 113 Board of Education is continuing to look at the situation at hand. As you know, it is complex and it causes distress on each side. As you know, the present board is a different board today, so it is difficult for us to know about or be able to deal with promises that were made at the time of the Bern closing.
The current board's desire was to enter into an agreement for land transfer(s) with school districts where the Wetmore students might attend. We, of course, wanted to transport the students to schools in Sabetha, but understood that was not their desire so we attempted to do something that was out of the ordinary as a board. Unfortunately, it was met with much opposition instead of at least some agreement.
The conversations between 115 and 113 will happen and it would be our hope that a mutual agreement can be worked out that is good for both parties.
I understand your position, although we must all realize that boundaries and borders will always result in someone paying taxes to a district that they are not a part of. Gary and I farmed land in Brown County for 50 years, so like many, we sent our tax dollars to a district that did not educate our students.
I am not a Nemaha County native, but have come to love this place. It is my desire to work hard for a result that is in the best interest of all the people in our county. I cannot or will not make promises, but I know that with the mutual desires of good intended, God loving people, we can work together on a solution.

Sincerely,

On Thu, Apr 20, 2023 at 3:05 PM Curt Haverkamp <[redacted] wrote:

> Leslie,
>
> There has been a lot of talk going on lately about the closing of the Wetmore school and the potential land transfers that could happen. I am a 2007 Bern High alumni that lives about 3 miles northwest of Bern. My house is 12 miles from the Seneca school, and 25 miles from the Sabetha school.
>
> I know that we have tried in the past to get the Bern land transferred over to the Seneca school district, but we were told that the Bern kids would eventually come back to Sabetha. Over ten years later there

are still way more Bern kids that attend Seneca than Sabetha. I think that shows that the kids will not be transferring back.

I have heard rumors of possibly transferring the land south of 200th road over to Seneca and leaving everything north of 200th road where it is so that the Sabetha and Axtell land can still be connected. There are a lot of kids north of 200th road that attend Seneca currently and that is not a good enough solution. That would affect me personally considering my house is just south of 232nd road. I have a daughter that just turned 1 and I would like to see this issue resolved before she is ready for school. I do not want her traveling twice the distance to school every day if she does not have to. It just makes logistical sense. I also want the opportunity to vote on some of these things like the bond issues as well as be able to potentially run for a board position someday. If things stay the way that they are currently I will not have that opportunity.

I was at the Bern meeting a couple weeks ago. Sadly, there were several Sabethans that came that were very rude and interrupted us several times as we tried to discuss our options, most notably an elected official of the county. It is my understanding that the Sabetha and Axtell land do not need to be connected to stay in the same district. The time has come to let the people decide where they want their kids to go and where they want their land. Please do the right thing and resolve this issue as peacefully as possible.

Respectfully submitted,

Curt Haverkamp

[redacted]

[redacted]

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Sent from Gmail Mobile

Cheryl D. Austin

From: Cara Baker [redacted]
Sent: Tuesday, April 2, 2024 6:10 PM
To: 113landtransfer
Subject: Written testimony

Dear State Board of Education:

I am submitting this letter in support of the Land Transfer petition made by USD 115. I support this petition for a variety of reasons.

1. Nemaha Central has been supporting the Bern community and their students for 12 years. At the time of the school closure in Bern, USD 115 inquired about transferring the land, but were denied because USD 113 wanted to wait and see where the enrollment actually went. The USD 115 Board was understanding of that point and did not push the issue any further at that time.

2. USD 113 was almost immediately willing to transfer land to the Jackson Heights school district upon announcing the closure of the Wetmore Attendance Center. They did not ask them to wait to see where the students enrolled at and if that enrollment maintained over time.

3. Most importantly, this is an entirely different request than allowing one landowner's land to be transferred to a neighboring district. This request represents an entire community! And a community that has been sending their children to USD 115 for the past 12 years.

    a. I understand that an argument to this petition is that the state would open a "can of worms" by approving the petition, but that is certainly not the case. USD 113 agreed to transfer land to Jackson Heights and it is land based on an entire community. The only issues that could be created are if individual landowners are allowed to make the request to transfer land individually and not as part of a greater land area.

4. Finally, it would give the community of Bern a voice in their children's education. The process for electing board members in USD 113 prevents Bern resident from ever winning a seat on their board. USD 115 understands the concerns voiced by Bern community members and they would have an opportunity for Board representation with USD 115.

I appreciate your consideration of this petition and the benefits it would provide to the communities, families, and students.

Thank you,
Cara Baker
USD 115 Board, Vice President

Cheryl D. Austin

From: Laurie Wilson [redacted]
Sent: Tuesday, April 2, 2024 8:35 PM
To: 113landtransfer
Subject: Lack of representation at USD 113

State Board of Education,
My name is Laurie Wilson and I live in Bern KS. I am a business owner and landowner but have no children or grandchildren affected by the decision you will make.
Thank you in advance for your consideration of what I have to say here in support of the petition for land transfer from USD 113 to USD 115.
I would like to address my feeling that the old USD 488 patrons have very little and then no representation on the USB 113 board; but let me step back just a bit.
80+% of us went to the polls 12+ years ago and voted yes to consolidate with Sabetha with the promise we could stay open at least 5 years and that if we closed, the land could follow the students. We had one board seat at the time of consolidation. We were given benchmarks, that we met, but they closed in less than 2 years nonetheless. Since the entire district votes for who our representative is it is impossible for some running who would like to stand up for the old 488 patrons to win!
This last election some really funny stuff went on. Leslie Scoby(Board chair) was up for reelection, but chose to find another Sabetha Patron to run for her position so she could run for the "at large" position which was held by an Axtell patron leaving Axtell with only 1 position.
Sorry about the history, but our representation just keeps getting less and less in USD 113! -Here's the kicker for me- At the March 22 meeting held in Bern, all 113 board representatives were present EXCEPT FOR THE ONE WHO IS SUPPOSED TO BE REPRESENTING OUR AREA! You would think he would care about this petion!
USD 115 has made a big deal about the patrons in the disputed area lack of ability to vote on school related issues and/or run for board positions, so should the land transfer petion go through, we finally will have representation! During the petition meeting held in

Bern 113 tried to say that volunteering in the 115 classrooms or other such activities should be enough for us. They just don't seem to get it-and yes- we are already doing that.
It is in your hands now and with your vote to support the petition to transfer land from USD 113 to USD 115 those students and the generations to come will be fully represented where they go to school!
Thank you for all you do and your attention to this most serious situation.
Laurie Wilson
[redacted]

Cheryl D. Austin

From: Betty Hecht [redacted]
Sent: Thursday, April 4, 2024 9:11 AM
To: 113landtransfer
Subject: Letter requesting transfer

Re: 113landtransfer

Scott Gordon, General Counsel for KSDE

Dear Mr. Gordon,

I am currently a registered voter, patron of USD 113, retired school teacher who taught in both USD 113 and USD 115, and landowner in the proposed land transfer area. I attended the public hearing at Bern on March 22, 2024, where I carefully listened to the testimony offered by both sides and the public comments.

I heard multiple people warn that transferring the land would be detrimental statewide. Redistricting lines are drawn frequently at the state and federal level when establishing representation for our legislatures. Additionally, school district lines are also changed as is evident by USD 113 willingness to cede land to USD 335 and USD 380 thus redrawing district lines. In this case, the change should be allowed based on the desire of the patrons within the area and because of a promise. The Bern patrons were assured that the "land would follow the students", yet the past USD 113 school boards ignored patrons who approached them to release the land.

Under KSA 72-532, the majority of the patrons in the disputed area followed the guidelines to be considered by the Kansas Department of Education. They approached the USD 115 school board which, in turn, gave them standing and presented their petition to the Kansas Department of Education. This followed efforts by the disputed area patrons to reach an agreement with the USD 113 school board that is predominately represented by people who live in the Sabetha area of the district because of district policy which allows **all** patrons to vote on **all** school board positions. Consequently, the disputed area has no true representation on the board and will always be outvoted by the populous majority.

I was distressed by the fear mongering that threatened that this single land transfer would cascade into a state-wide disaster. Obviously that did not happen in the case of Abilene's land transfer since few if any of the attendees had even heard about it. Furthermore, land transfers are considered case by case and must meet a strict criteria; this tactic is not logical.

Another point USD 113 pounded was equity. Equity for whom? In the 10 years since the closing of Bern schools, the overwhelming majority of students have attended USD 115. While both districts offer excellent educational opportunities, USD 113 has not questioned or approached disgruntled parents/ students to determine their educational choice. Instead, the status quo of collecting land taxes and using those taxes to educate other students has been maintained. Ironically, in USD 113 that amount consists of less than 2% of the entire budget. Yet, patrons are lead to believe that losing an amount of land tax money of approximately $200,000 to $300,000 will force the closing of USD 113. Again, fear mongering without facts.

Finally, the proposed district lines are logical based on student attendance and distance. I personally drove the Bern-Sabetha road (a county black top road and the only black-top road that goes directly from Bern to Sabetha) in all weather conditions for 13 years. Travel time and safety depend entirely on weather and road conditions. I can assure you that the state highways that go from Bern to Seneca are better maintained and safer.

Please consider the following in making your decision:

1. USD 115 has available capacity to serve existing students because they are already attending school there.

2. USD 115 has provided bussing for these students for over 10 years without being reimbursed by USD 113 that collects the land taxes for this area.

3. The areas of interest for the disputed area closely align with USD 115 (Seneca) and distance traveled for parents to participate in student activities is less or, at the most, equal to traveling to Sabetha.

4. Matters of commerce, including regular shopping areas, meeting places, community activities (including the county seat where patrons pay taxes, renew driver's licenses, register to vote, etc.) and youth activities align with the Seneca area.

5. The majority students living in the area already attend USD 115 and have ties to those schools.

For reasons clearly outlined in the USD 115 Public Hearing Document, I ask that you grant the petition and transfer the land under dispute to USD 115.

Respectfully,

Betty J. Hecht

Sent from Yahoo Mail for iPhone

Cheryl D. Austin

From: Curt Sudbeck [redacted]
Sent: Thursday, April 4, 2024 10:58 AM
To: 113landtransfer
Subject: Proponent for transfer
Attachments: Land Transfer.docx

Mr. Gordon--

First off thank you for taking the time to travel to the community of Bern a few weeks ago. I enjoyed hearing both sides of this argument and was pleased that it was as civil as could be expected. I have attached my comments from that afternoon so I will not be redundant with those. In reflection I know there were comments made in an attempt to support the opponent's side regarding students in the Axtell area paying taxes to Marysville, or a couple of students in Fairview that pay taxes to Hiawatha. Although this is true, I truly feel that you need to take a look at the number of students that this is affecting. There will always be a few outliers on the edge of each district line that will waver back and forth for various reasons, this is not the same as the situation West of Bern where the vast majority of families have chosen to attend USD 115. I know this was driven home as there is not a whole lot of other supporting evidence, but I thought it needed to be mentioned. This district has been oddly drawn going back for generations and I fear that if it is not changed we will find ourselves in this same situation every two years.

Thank you again for your time.

Curt Sudbeck DPT, ATC
Director of Ancillary Services
Nemaha Valley Community Hospital
CONFIDENTIALITY NOTICE: The information contained herein is confidential. It is intended solely for the use of the recipient identified above. Unauthorized use, distribution, or copying of the contents of this message is strictly prohibited. If you believe you have received this transmission in error, please delete the message.

My name is Curt Sudbeck and I am a 2000 graduate of Bern High School. My wife and I were also residents of Bern from 2006-2010, during which time I attended many meetings where certain previously discussed terms were promised to the patrons of Bern. We chose to move before the school closed and now have children being educated in the USD 115 school district. We own land in the contested area West of Bern while both working in Seneca. As a natural flow we have always worked, worshipped, shopped, and done most all business within the Seneca community. The purpose of today's discussion is not to hinder, or leverage one school vs another, as I whole heartedly believe that both USD 113 and 115 will continue to thrive and provide top notch educational opportunities to their students regardless of the outcomes of today's discussions. It is instead about inclusion. We preach inclusion and equal and fair representation to our children daily. Today, you have a unique opportunity to put these words into action and give this small sector West of Bern something that they have not had for the past 12 years, a voice. The golden rule of inclusion is to support others as you would wish to be supported. I truly believe that anyone, opponent or not, if able to step back from the rhetoric of social media, special interest groups, or any fear of future decisions would also agree that these families West of Bern belong in the USD 115 school district. I believe this is the logical, rationale, and ethical decision that needs to be made for our neighbors and community, because it is simply the right thing to do. Some are not pleased that this process has gotten to this point, the point at which the Kansas Department of Education has been asked to intervene. The opinion is that these decisions are best made when done so by local control, or by those most closely oriented to the community. I completely agree. Decisions regarding USD 113 should not be made by patrons that live West of Bern as there is very little insight into the daily operations that carry on. Instead these families should have a voice in the district they are most closely aligned with, which is USD 115. Please free these patrons so that they can have a voice, a feeling of inclusion, and make this community whole again within USD 115.

Thank you.

Cheryl D. Austin

From: Betsy Macke [redacted]
Sent: Thursday, April 4, 2024 2:13 PM
To: 113landtransfer
Subject: Support for USD115

To whom it may concern;

Unfortunately I was unable to attend the in person meeting held in Bern, KS due to a work commitment. I would however like to express my concern for the land of the Bern residents to be transferred in to USD115. I have three school aged children, my husband and I farm about 1400 acres and run a cattle operation. I am the Human Resources Director at Koch & Co. We are both long term citizens of Nemaha County and we live on the Baileyville side of the school district. Our children have life long friends and classmates that are considered "out of district" kids. They are not out of district kids they are "our kids". Most have attended NC School since they were in Kindergarten. Our fellow Bern families should not be scared that they may be forced to switch schools, they also should have a voice in our community. Their tax dollars and ability to vote for school board members should be allowed. They are part of our community, their tax dollars should be as well.

Sincerely,

Betsy Macke
USD 115 concerned patron

Cheryl D. Austin

From: Lynette Strathman [redacted]
Sent: Thursday, April 4, 2024 6:21 PM
To: 113landtransfer
Subject: Transfer of Bern land to USD 115

Dear Mr. Gordon,

We were unable to attend the public meeting held in Bern last month due to some prescheduled appointments out of town. I've read the public newspaper accounts, and heard quite a bit in discussions around town from local people who attended. My mom and stepdad attended, but didn't speak, but also support our views that our land should be transferred to USD 115.

We did want to make sure our voices were heard. I know a lot of the pushback from USD 113 is how a land transfer now should not be done because it "would set a bad precedent" with other schools. This is different. We discussed this exact situation at the time Bern was closed, and we unified with USD 113 originally. We were told publicly, it's in the newspaper accounts, that IF Bern was closed, land would be able to follow the children. Every time we have tried to reconcile this issue with the Board of USD 113, we have been declined. It has now been 11 long years. A vast majority of the kids from Bern went to USD 115. They have been educating our kids that long. Our grandchildren were not in school at the time of the Bern closure, but when it was time to go to school, we went to Seneca. My grandchildren go to USD 115 and we are part of that community and we will go there as long as we are able. We need to address this "out of district" issue so that our kids can remain in the school they have attended since kindergarten. It is the only school they have ever attended. However, we cannot vote on school board members or pay our fair share of taxes for school improvement bonds because we are "out of district". We also need to get bus service to their homes (not the local park) so when the weather is bad we don't have to worry about a bunch of kids waiting in the park until their ride shows up.

On the flip side, we are supposedly in the USD 113 school district but we do not have a voice. In fact, once our original board members retired from office, every board seat for our "area" has been a Sabetha native. In addition, USD 113 redrew the voting district lines, changed the rules (one of 2 school districts in the state) whereby EVERYONE in the school district which is primarily Sabetha votes on every board position, and then ran people against native Bern people. We have no representation on the Board, and we will never have any board representation on the Board. In fact, Leslie Scoby who was supposedly our board member representative, lived in the furthermost southern part of the new voting district lines. She lives SOUTH of Sabetha. The new district went "around" Sabetha. She is now the member at large, but the new Board position for our voting district is someone who lives near Sabetha again. We simply mathematically can never have enough votes to get adequate representation again if we remain in USD 113.

Further, I understand from the newspaper accounts and other discussions, one of the primary pushbacks from opponents is that it could "create precedence". I would argue USD 113 is an anomaly anyway. We are almost completely separate from Axtell area already. We are not a "contiguous" school district anyway. If you go back and read through the efficiency reports USD 113 had did in 2015, recommendations have been made to close Axtell and Wetmore since they closed Bern. I quote -- "For Axtell, we estimate about 95% of parents would likely transfer their students to another district

which would reduce state funding, leaving a net loss of about $190,000. We estimate significantly more Axtell students would leave the district based on our conversations with district officials and the unique geographic location of Axtell (it is almost completely separated from Sabetha and Wetmore by another school district, Nemaha Central). Although closing Axtell would not generate a net benefit to the district, keeping Axtell open presents ongoing challenges for the district in terms of sharing resources and realizing other economies of scale." What is going to happen when (not if) USD 113 decides to close Axtell? They are going to. It has been in the works for 11 years. They planned to grab the Bern land, they sold our buildings, sold our contents, kept all of the capital outlay funds which we (USD 488) paid in, and even sold off the playground equipment that was donated by Bern Boosters. We still had to pay off our bond issue. They have kept our tax money for 11 years even though they were not educating our kids. I know, we signed up for that when we voted to go with Sabetha because we didn't want to be shut down on Day 1. We still wanted to find a way out. I am certain, the same thing will happen with Axtell very soon.

Honestly, objectively, pragmatically, the bottom line is, please do what should have been done when Bern was closed. Split the baby, make contiguous land masses, it is the best solution for everyone involved. Then it simply about where did the kids go? Pick a line that makes sense based on that and that alone. Families around here work hard for their money, most are ag-related businesses, they pay their taxes, and they want to send their kids where they go to church and shop. They want their taxes to support their kids education. Personally, we support Q Road (the Oneida Road) because the majority of the kids attending Seneca live west of that line. But if another split makes logical sense, then we would support that as well.

Thank you for your time.

Ed and Lynette Strathman, Bern, KS

Cheryl D. Austin

From: Melissa Tangeman [redacted]
Sent: Saturday, April 6, 2024 9:47 AM
To: 113landtransfer
Subject: proponent testimony

I am writing in regards to the request to have our land transferred to the Nemaha Central School District USD 115. My three children go to school there. Nemaha Central is closer to where we live. We live a mile west of Bern. My husband has a business in Seneca, and farms just north of Seneca. We also attend church services in the town of Seneca as well. It is not logical for our family to send our children to school in Seneca, and never has been a consideration for us. We have always elected to send our kids out of the district to Seneca. I implore you to make the decision to allow for the land transfer. If you have any questions please do not hesitate to contact me.

Melissa Tangeman
[redacted]

Cheryl D. Austin

From: Ross Mosteller [redacted]
Sent: Monday, April 8, 2024 2:49 PM
To: 113landtransfer
Subject: Fwd: Bern Hearing Testimony Rebuttal

April 8, 2024
TO: Scott Gordon, Hearing Officer

RE: USD 115 Petition to Transfer Territory - Public Hearing Follow-up

Mr. Gordon and members of the State Board of Education;
I'd like to first thank you Mr. Gordon for taking the time to travel to Bern, hear the arguments from both sides of this issue and for conducting a public forum that was civil and well ran. My hope would have been for resolution of this topic at the local level, but past discussions - including my involvement in the mediation process - shows that compromise is difficult when you disregard the situation, something USD 113 clearly is trying to do. While many good points were made on each side of this argument that day, there were a few points that need to be highlighted as untruth and other points that cause one to ponder. Please consider these as you make your recommendation to the State Board of Education. Thank you for listening.

First, the fiction from the meeting.
USD 115 did **NOT** recruit, solicit or coheres families from Bern to attend school in Seneca in any way. As many of us have pointed out over and over and over again, our connection is to the Seneca community and it was a natural choice to go to Seneca to educate our children when the Bern School closed. USD 115 had just rebuilt a school building following a fire that destroyed their Elementary school, were operating out of mobile units and were going through consolidation issues with USD 451, their plates were too full to actively recruit. We were welcomed, but NOT recruited in any form or fashion.

Mr. Evans might have misinterpreted your question about USD 113 BOE members, but there are **ZERO** BOE members living in the petitioned area, part of the argument our community has had all along! His answer would be technically correct, if you asked how many BOE members represent the disputed area, as that number is two, and I believe that was the question. Representation is a big issue for Bern and individuals with a Sabetha and Axtell mailing address, do not live, connect or represent Bern on the USD 113 BOE.

Now, to address some of the arguments given against the land transfer.
Wetmore school closure animosity. This is laughable and frankly insulting to the Bern Community. While we completely understand what the Wetmore community has gone through, this is not some point of revenge or animosity towards the Sabetha community or USD 113 BOE. That board opened the door to land transfer with Jackson Heights and Bern simply feels that we were promised this first and don't understand if it was done with that school closure, why not for ours as well??? Who established the timeline of this being "too late" for Bern? What is the appropriate timeline and statute of limitations on this process? I've not seen it in policy.

Opening Pandora's Box. While I understand this concern on the surface, does the process outlined in KSA 72-532 work? If so, there would have to be substantial changes (like the Bern School closure by USD 113) and the examples given didn't illustrate that point. Additionally, Fairview should probably be with Sabetha. East of Beattie should probably be with Axtell, examples like this exist across the state. If this is a state-wide issue and KSA 72-532 doesn't work, then maybe the system is broken and needs to be legislated differently?

The final point that I'd like to share is the most telling to me Mr. Gordon. You had your back to the audience when I asked everyone to stand, but when asked if individuals lived in the petitioned area, were students, parents or

grandparents of students of USD 115 - most of the north side of the room stood up. When I asked the same for USD 113 - four stood and one of those individuals lives in Seneca and does not have children in school. Additionally, NOT A SINGLE individual from Bern spoke out against this land transfer to USD 115. I know a few believe it should be O Road and west, but **NO ONE FROM BERN SPOKE IN OPPOSITION.** For us this is about representation and keeping promises. For USD 113 it is about money & their standard of living.

Sincerely - Ross E. Mosteller, [redacted]

Cheryl D. Austin

From: Betty Sudbeck [redacted]
Sent: Monday, April 8, 2024 6:27 PM
To: 113landtransfer
Subject: Land transfer

Mr. Gordon, Thank you for all the time you've spent with the 113 land transfer issue.
I live and am a landowner in the affected area. My kids went to Bern School and now grandkids attend Nemaha Central. I was at the meeting in Bern. I didn't quite Understand that those from Sabetha don't remember anything about the promises that the land would follow the student and nothing was mentioned about the bench Marks that we met but the school was still closed. I heard numerous times that it Isn't about the money, then why are they still fighting us. Our small community has been torn apart over this and they wonder why the majority of the students went to Nemaha Central,not hard to figure out after the way we were treated. They didn't care about our kids, only the land money. I sincerely hope my land can be transferred to District 115 where my grandkids have been accepted and being taught without our land taxes.
Thanks for your time.
Elizabeth A. Sudbeck. [redacted]

Sent from my iPad

Cheryl D. Austin

From: Lois Boehmer <[redacted]
Sent: Monday, April 8, 2024 11:03 PM
To: 113landtransfer
Subject: Land transfer request

My address is [redacted] I live northwest of Bern in the area under discussion. I own 480 acres. I am just going to say that the kids are split in numbers going to the school of their choice. I think the land tax dollars should be split between the two schools now too. It's time to do what is reasonable. Draw the line and send what's due to usd 115.

Thanks
Lois Boehmer

Cheryl D. Austin

From: Char Orton [redacted]
Sent: Thursday, April 11, 2024 8:42 AM
To: 113landtransfer
Subject: Against Land transfer

KSDE Board-

At the meeting in Bern, Kansas which I attended.

There is a lot of reason not to transfer the land.

The one that hit a home run for me was a gentleman from Fairview spoke.
He said I live in the Fairview area and my kids go to USD113. I feel like I am well received and I am heard by the teachers, principals and superintendent. I am on committees that work with the student and the public. He said see he wished his taxes would go to where his kids go to school. **But its his choice to send his children to USD113.**

Most people hate threats. After thinking about it I decided his next comment was not a threat, but something he would be allowed to do if you transfer this land. He said if this land transfer happens he will start up a group of his farmers friends to petition KSDE to transfer their land to USD113. I image there are others who would start this process all over the state of Kansas.

We all realize that not everyone will be happy with either decision. The law is in your favor.

Thanks For Your Time

-Vern Orton

[redacted]

Cheryl D. Austin

From: Jamie Strahm [redacted]
Sent: Thursday, April 11, 2024 3:55 PM
To: 113landtransfer

Good afternoon-

Thank you for the opportunity to let our voices be heard on this matter.

I am a Sabetha grad and have moved back to Sabetha after living in Savannah, Georgia for 8 years. My husband and I both grew up attending Sabetha schools and after the birth of our daughter we decided we wanted to raise our children in the town that we knew and loved and school choice was an integral part of that decision in moving back home.
We moved back in 2011 and have been incredibly happy with the teachers, support staff and administration at USD 113.
I was very involved in educating the public Sabetha and Axtell communities during the "witch hunt" that was brought on by a few within the Wetmore community. We maintained integrity and brought forth the facts and spoke truth during the entire process of Wetmore closure. The half truths and twisted misinformation brought forth by a few disgruntled Wetmore patrons is what got us where we are today with stirring the pot between communities that have always had a friendly neighbor to neighbor rivalry but also would always have each others backs. It has gotten completely out of hand as you've witnessed.
I want to speak mostly from the standpoint of a parent (myself) and the opportunities we have to get involved with our school district without serving on the school board. As mentioned above- I knew what was happening to Sabetha and how our administration was being cast was 100% wrong. I took a stand. I supported our school board members, rallied community members, set up community forums so people could ask questions and get factual information from the source. I successfully ran a campaign to vote into the school board those members running that had the best interests of the students at hand. Including successfully having a write in candidate win the election against a candidate running that was on the ballot. I volunteer in my children's classrooms, serve on various site councils and committees, I support extracurricular activities, sports,etc. I have served as head room mom for several years. I have spoken at school board meetings on issues that were important to me, such as wanting an additional teacher added to kindergarten when enrollment numbers were high. I say all this not for any accolades but to prove that you ABSOLUTELY do not have to serve on a school board to make a difference in your child, school or community. Parents that care about a topic can 100% make a change and see something through. Parents that want to make a difference have so many different avenues to do that without serving on school board. So for those saying that land needs to be transferred in order for them to serve on a school board where their kids attend school is a false statement.
Our school board did honorable thing by setting a precedence and offering to transfer land even though that is not the norm. They were met with silence. All because Wetmore advocates had gotten to them.
Please be smart in your decision and do not agree to transfer land. It's your turn to set a precedence and deny their request. This will have long lasting effects on our community and communities across the state. This will become common practice to start requesting land from neighboring districts. Please do the right thing.

Thank you

Jamie Strahm
USD113 constituent

Sent from my iPhone

Cheryl D. Austin

From: Leslie Scoby [redacted]
Sent: Thursday, April 11, 2024 4:41 PM
To: 113landtransfer
Subject: letter
Attachments: Leslie Scoby2.docx

Mr. Gordan,

I have attached a letter so that the graphics and supporting hyperlinks come through.
Thank you.

Leslie Scoby
USD 113 Board President

April 11, 2024

Dear Mr. Gordon and Kansas State School Board Members,

My name is Leslie Scoby. I am the President of the Board of Education of USD 113. I want to thank you for your efforts to help our district as we deal with our new realty following the closure of the Wetmore Academic Center. I regret that this situation has elevated to intervention by the Kansas State Board of Education. I am convinced that this would not be an issue if representatives of the Wetmore School hadn't campaigned USD 115 to garner as much anti-USD 113 sentiment as possible. The USD 113 Board of Education has been successful in reaching agreements with USD 335 and USD 380, but we have not succeeded in efforts to find reasonable solutions with USD 115.

Point #1: One of our former Board of Education members who attended the land transfer hearing asked me questions about the financial information referenced at the hearing by representatives of USD 115. He asked me to verify the accuracy of the information. I have spoken to our superintendent and have tried to understand the inconsistency of the information, but I have not succeeded in understanding the accounting principles that would support the information.

The question that was sent to me was, *"how is it that, according to USD 115 representatives, USD 113 made over $10,000,000 the last 10-12 years by closing Bern, but in considering the land transfer the negative impact on USD 113 would be just over $100,000 per year. Please help me reconcile these numbers."*

I truly have tried to understand all perspectives of this issue, but I am not able to provide any rational explanation for this discrepancy.

Point #2: Following the hearing, an existing USD 113 Board member brought to my attention information that USD 115 had presented to their community (6.28.2022) in order to provide information on the proposed facility improvement and bond issue. Page 5 of this document is here:

Enrollment Analysis – Out of District

ES/MS Building	
Grade	Out of District
PK	6
K	5
1	6
2	5
3	8
4	5
5	6
6	7
7	6
8	5

High School	
Grade	Out of District
9	11
10	5
11	7
12	6

PK – 12 88 students

Financial Impact

Base Funding/Student	$ 4,706
Low Enrollment Weighting/Student	$ 1,779
Total Funding/Student	$ 6,485
Funding From Out of District Students	$ 570,680

I wanted to share this information because the number of out-of-district students has been an issue to this situation. According to KSDE USD 115 had 123 out of district students during the 2022-23 school year, yet in the summer of 2022, USD 115 reported to its constituents that there were 88 students. They also provided information regarding revenue that they received for the out-of-district students which would support one of the positions of USD 113 – that they have substantially benefited from the out-of-district students in question.

Point #3: One of the questions that is emphasized on the petition document is: Would the transfer of the petitioned area and loss of enrollment or valuation impose a substantial financial hardship on the "giving" district? Here is a snip from the petition along with USD 115's response:

Yes **No** 20. Would the transfer of the petitioned area and loss of enrollment or valuation impose a substantial financial hardship on the "giving" district?

It is not anticipated that USD 113 will lose enrollment as a result of the transfer. Most families in the area have enrolled in the district with the closest attendance center (USD 115), and that factor would not change as a result of this land transfer.

I am a former high school teacher. One of the concepts I attempted to teach students was to "answer the entire question." I am frustrated that USD 115 did not answer the question about whether or not this transfer would impose a financial hardship on the "giving" district.

This transfer from 113 to 115 would have a definite multi-year impact on the taxpayers of USD 113. Our Board has heard about multi-year effects from having to wait until the USD 113 three-year Supplemental General Fund equalization formula caught up to the USD 335 & 380 transfers. We have been told that this state aid deficit would be compounded by a forced transfer to USD 115.

An example that is more tangible is related to Lease Purchase Debt. At the April 8, 2024 USD 113 Board of Education meeting, Mr. Evans reviewed USD 113 amortized debt and the timelines for payout. We still owe on a bond for the former USD 441 district. We also owe money on a facility-improvement lease purchase that we completed within the past couple of years. These two areas of debt represent two very different situations regarding the transfer of land. We have been told that in the event of a land transfer, debt that is from a bond issue stays with the land. We have also been told that lease purchase debt stays with the district.

Mr. Evans provided me the linked document, but I will summarize.

total Fiscal Year	2024 Valuation							
$ -								
$ 559,514.56	$ 148,651,979	3.76	$ 131,613,412	4.25	$ 113,440,746	4.93		
$ 559,514.56		3.76		4.25	13%	4.93	16%	31%
$ 559,514.56		3.76		4.25		4.93		
$ 554,827.19		3.76		4.25		4.93		
Total Mills to pay for lease purchase a		**11.28**		**12.75**		**14.79**		
Additional mills to pay for Lease purchase after 2024				**1.47**		**3.51**	**2.04**	

Following the transfer to USD 335 and USD 380, USD 113 taxpayers will owe more debt and will pay more individually for the lease purchase debt. After the transfer to USD 335 and 380, 113 taxpayers will pay 13% more money, through the capital outlay fund, to make payments on the lease purchase. Our board of education recognized this as we approved the transfer. At issue is the added burden that a transfer to USD 115 would have to 113 taxpayers. After the loss of valuation, to 335 and 380, the additional loss of valuation if the 115 request is granted will result in **31% additional debt** for individual taxpayers remaining in USD 113. My husband is a farmer. Our bottom-line from ag income is directly impacted by additional taxation mills. This would definitely result in a financial hardship on the hard-working families of the "giving" district.

Adding insult to injury in this situation is that this additional financial hardship with the end-result being taxing one district (USD 113) that has historically paid more taxes (than USD 115) more, and the district who has historically paid less taxes (USD 115 has historically levied 78% of the state average mill rate for operational expenses) less and the logic of this transfer seems very questionable.

Point #4: At the hearing, speakers from both sides agreed that the quality of the education offered in USDs 113 and 115 is not the issue. All present were confident that students are obtaining a quality education regardless of which district they choose to attend. USD 115 has indicated that there will be no change to attendance centers nor to the quality of education in the petitioned area following the petition. Why transfer?

Thank you again for your work on this issue. Please let me know if it would be helpful to visit in person about any of the information I have provided.

Sincerely,

Leslie Scoby

Cheryl D. Austin

From: Carol Kuckelman [redacted]
Sent: Thursday, April 11, 2024 8:59 PM
To: 113landtranfer@ksde.org; 113landtransfer
Subject: Proponent of 115 Land Transfer Request

Thank you for taking the time to read my testimony.

I feel I have a unique perspective on the land transfer requested by 115. I live in Axtell with my husband and children, we are USD 113 patrons and I am currently the board clerk at USD 115. I worked for USD 113 from the time of consolidation in 2010 until 2019 and I was the board clerk at USD 113 from 2013-2019.

I was the board clerk at USD 488 Axtell-Bern-Summerfield until the consolidation of USD 488 and Sabetha in 2010. I was at the meetings when then Superintendent, Dennis Stones, told patrons that the land could follow the students in the event a building closed. I was at the school board meetings when the Bern patrons requested the land transfer and USD 113 denied it for no other reason then timing.

Allowing this land to be transferred to 115 is the right thing to do. USD 113 told them they would be allowed to transfer if their building closed and that was 11 years ago. It is well established that the students are attending USD 115 and the group of patrons and USD staff has done the work to determine the overwhelming desire of the patrons through the surveys, comments at the hearing and emails you have received.

At the hearing USD 113 did not provide any data supporting their reasoning for denying this request. They didn't conduct any surveys, they didn't reach out to the patrons or the students, they didn't provide any basis for denying the request of these patrons other than that they will lose valuation and LOB dollars.

This land transfer process is the only avenue available to parents/landowners to have land moved to a different district and this group has followed the law and provided the information required by the law clearly showing cause for the land transfer.

The negative impact on students with a denial of this request is one that needs to be considered as well. The students want to be a part of Nemaha Central just as they have wanted for the past 11 years. Now is the time to transfer this land to USD 115 and I hope the patrons and committee has demonstrated that to you with overwhelming evidence.

Thank you for your time.
Carol Kuckelman
Axtell, KS

Cheryl D. Austin

From: Terry and Nanette Farwell [redacted]
Sent: Friday, April 12, 2024 1:45 AM
To: 113landtransfer
Cc: Danny Zeck; Melanie Haas; Michelle Dombrosky; Ann Mah; Cathy Hopkins; Deena Horst; Dennis Hershberger; Betty Arnold; Jim Porter; Jim McNiece
Subject: USD 113 Land Transfer

TO: Mr. Scott Gordon, and the Kansas State Board of Education:
RE: USD 113 Land Transfer

Thank you for reading yet another email. Our home and land sits in USD 113 boundaries (formerly 488), west of Bern about 5 miles, and we have requested that it be transferred to USD 115. Our children (all Bern High School grads) are grown, so we aren't affected so much by the school choice, but out of respect for our neighbors who have children attending USD 115, we would like to be part of the transfer. Also, hopefully someday someone with children will live in our home, and they would most likely prefer to send their children to Seneca which is 10 miles away, vs. Sabetha which is 20 miles away.

I highly encourage you to not dismiss the land transfer request. This transfer should have been done 10 years ago when there was a significant change of circumstances, but that is hindsight. This transfer needs to be resolved and settled now for the betterment of our communities. Please look at the best transfer option and get it done.

We hear USD 113 express their concern this will start a landslide of land transfer requests throughout the state. Why should our area of families west of Bern be the sacrifice to hypothetically keep that from happening? These district boundaries were set in place in the 1960's. I was in Bern Elementary School when unification happened. Lots of things have changed in the last 60 years around the state with consolidations and school closings, and it indeed may be time for the state to take an overall look at district boundaries again. Things change. Please don't let that supposed threat of future requests hold you back from considering what is best for these families at this time.

My mind tends to work in common sense terms, so my suggestion would be to use O Road as the dividing line, with maybe some variance east or west if needed as you go further south of Bern. Let the city of Bern lie within USD 113. Do not trade the city of Bern for land in 115 near Baileyville that 113 has requested for exchange; those patrons did not ask to have their land transferred, I'm not sure why it would be included in the equation. Simply let the former Bern patrons west of Bern be a part of the district where their children attend school, which is USD 115. I know that leaves some Bern residents and some patrons east of Bern out of the transfer, which is unfortunate, but it seems like O Road would be a good compromise.

USD 113 repeatedly uses the number of students they educate from out of district as a talking point. The students they are educating from the area which lies in USD 415, are coming to Sabetha on their own accord, it is not related to a school closure, so really can't be compared to the former Bern students who are attending 115. If 113 and 415 need to do a land transfer, that is a separate issue from the one we are talking about.

I know this is a difficult part of your job, as your decisions affect people in different ways, but thank you for taking the time to read this, hopefully you made it to the end. In summary, I request you consider:

1. Please do not dismiss the land transfer request of USD 115.

2. Perhaps it's time for the state to look at school district boundaries again and re-evaluate, after 60 years of them being put in place.

3. Out of district education sometimes is by choice, and sometimes it's because of circumstances such as school closure.

4. It seems some have lost sight of what this is about. It's about children and families, not just the money (which is a very small percent of the overall budget).

Respectfully submitted,

Nanette Farwell
(USD 113 patron, former Bern student and former Bern parent, living west of Bern, requesting land to be transferred to USD 115)

Cheryl D. Austin

From: Amy Haverkamp [redacted]
Sent: Friday, April 12, 2024 2:01 PM
To: 113landtransfer
Subject: written testimony on 113 land transfer
Attachments: land transfer.pdf

Dear Mr. Gordon,
Attached are my thoughts on the 113 land transfer. Please let me know if you have any questions. Thank you for your time and commitment to gathering this information.

Amy Haverkamp
[redacted]

April 12, 2024

Dear Mr. Gordon,

I am writing in regards to the 113 land transfer request. I currently live in the 115 School District, but before the consolidation of 442 & 451 I resided in the 451 School District. Our children attended Saints Peter & Paul Catholic School and then attended Nemaha Valley High School. Our children were welcomed into the NV Schools. I also understand how the residents of Bern feel with not being able to have representation on the school board.

I also want to make sure that you are aware that Nemaha Central did not recruit the children of Bern at the time of the closure of their school. They were welcomed into our school and are continued to be welcomed 12 years later. One of the things that I have heard is why are they trying to get all of this land for the 2 kids that went to NC from Wetmore. This is not about those 2 kids, this is about the 70 plus kids that have been coming from the Bern area for the last 12 years! They need to be able to have representation in the district decision. My fear for them is that with open enrollment, some students that have been attending NC for many years will not be able to continue to attend with the new lottery system. Wouldn't that be awful for those families? To have some of their kids attending NC and some attending another school? How would you feel if this was your children?

I have also heard that this is all about the sports rivalry. This is not about sports, this is about the students and their families. They want to move their land to the Nemaha Central District and have representation. This is something that they should get.

Please recommend to approve the transfer so that our school can focus on educating the students and not worrying about what road blocks the 113 school board is going to put up next.

Sincerely,

Amy Haverkamp

[redacted]

My name is Kalvin Evans and I am a student in my senior year at Sabetha High School in USD 113. I am writing concerning the petition submitted by USD 115 Nemaha Central requesting a portion of land in USD 113. I have already written a letter in defense of USD 113 using legal arguments, but I also question the motive and personnel behind this petition for land.

As you likely know, the closure of the Wetmore Academic Center created tension in our school district. As a result of this closure, the Wetmore Community Action Group was formed and tried to dissolve USD 113 in its resentment. One of the primary members of this group sat at the table with the USD 115 representatives and gave a presentation at the March 22nd hearing.

Currently, this person lives out of state, meaning the proposed land transfer does not affect her personal circumstances. It is suspicious that someone who does not even live in the disputed territory and who has attempted to dissolve USD 113 in the past would spend so much time and energy working to ensure a petition that hurts USD 113 is passed.

If asked why she was a part of USD 115s legal team, this person may say that she wants to help the Bern community receive justice. However, it was clear at the hearing that she spent a huge donation of her time compiling confusing statistics and arguments in support of USD 115. In the fall of 2024, I will be attending Benedictine College in Atchison, Kansas. I have already been to its beautiful campus numerous times and have made friends there. If a land transfer petition was proposed that affected my Atchison friends, I would undoubtedly support them. But it would be nonsensical for me to take such a leading position fighting for the Atchison school district, which is an hour away from where I live. This is the situation that this person lives in, and it is very difficult for me to believe that this lady's presence on USD 115s legal team is anything more than an attempt at retaliation.

This lady reminded me of a vocabulary word we learned in my freshman year English class. To memorize the definitions, we would perform different actions that exemplified each vocab word. For the word "rabble-rouser," we would shout, "Kill the beast! Kill the beast!" This was a reference to a character in that year's high school play, *Beauty and the Beast*. This character was angry with the Beauty for rejecting him and roused all of the villagers to anger, hoping they would kill the beast and the Beauty would thus be his. I think of this action when I think of this lady, who, following the Wetmore closure, held up a paper at the Bern Community Center, saying God sent her to bring a petition for the disorganization of USD 113.

I find it hard to see any motive behind this woman's leading presence in this issue besides wanting to "kill the beast" of USD 113. The petition should not be passed if based on such grounds of retaliation and emotion. Getting upset with a neighboring school district is no justification for taking their land. Thank you for your concern.

Cheryl D. Austin

From: Kalvin Evans [redacted]
Sent: Sunday, April 14, 2024 1:47 PM
To: 113landtransfer
Subject: Additional Letter in Support of USD 113
Attachments: Second Land Transfer Email.docx

Please see the attachment.

Kalvin Evans

Cheryl D. Austin

From: [redacted]
Sent: Sunday, April 14, 2024 7:04 PM
To: 113landtransfer
Cc: [redacted]
Subject: USD 113 land transfer petition

Mr. Scott Gordon,

My name is Stan Keim and I am a current school board member of 113. My wife, Donna, and I have 15 grandchildren, 8 that attend USD 113 and 4 that attend 115. We are both Nemaha county people, born and raised.

Our grandchildren are all thriving (one boy is a little ornery) and both school districts are wonderful schools. All my grown children and their spouses are 113 graduates. My son-in-law is a graduate of the KU medical school and is currently practicing in Seneca. Yes, that is right, a BlueJay is a doctor in Seneca.

My point is this, a land transfer will not enhance the education of my grandchildren in 115 and it surely will not help the education of my grandchildren in 113. I do believe it is more convenient for some but it does nothing in bettering the education of our students.

Thank you and I hope we handled ourselves in a civil manner.

Stan and Donna Keim

Cheryl D. Austin

From: Briana Evans [redacted]
Sent: Sunday, April 14, 2024 7:54 PM
To: 113landtransfer
Subject: follow-up to 3.9.2024 email

TO: Kansas State Department of Education
C/O Scott Gordon, General Counsel
RE: USD 113 Land Transfer

I request that this message and all its contents remain confidential.

My name is Briana Evans, and I am a parent of a student in the USD 113 Prairie Hills school district. I am writing (again) to address the petition submitted by USD 115 Nemaha Central for land currently in the Prairie Hills district.

I remain opposed to the land transfer. I attended the public hearing on March 22 & below are observations:

1. Analyssa Noe—she was the main spokesperson for the Wetmore Community Action Group and was sitting with & speaking for USD 115. I feel this is further proof of the first point in my previous communication (*After people disgruntled with the Wetmore closure created a "David and Goliath" narrative and solicited support from neighboring districts using various forms of propaganda, now, NC wants something, too? Many years after the initial choice was made? The "motive" does not align with KSDE guidelines for land transfer.*)

2. Analyssa Noe—made a statement implying that USD 113 has taken "over $10 million dollars" from the Bern area/area in question, yet if the transfer moves forward as USD 115 suggests, it will cost USD 113 just over $100,000. I don't understand the numbers Ms. Noe presented.

3. The content of the speakers in support of the land transfer did not address student education/educational access; rather, it included emotional appeals (i.e. if this doesn't happen now, we'll be back in two years) and addressed "conveniences" (i.e. the Bern/Sabetha road [which is in great condition]; grocery stores; places of worship; etc.)

4. There were suggestions of USD 113's lack of transparency presented by those favoring the land transfer. If you look at the USD 113 website and the USD 115 website, I don't believe the evidence supports this. USD 113 streams all BOE meetings, documents are hyperlinked, agendas are shared, etc. The last "communication" I see on the USD 115 website is meeting notes from July 2023. Websites are a challenge to maintain, but I feel USD 113 has been transparent on everything—from the Wetmore closure to the land transfer to all things before these.

5. As a taxpayer in USD 113, I understand that if the USD 115 petition for land transfer is granted, that my portion of existing lease purchase debt will be greater.

Considering the fact that USD 113's mill rates have historically been consistent with the state average and that USD 115's operational mill rates have historically been 78% of the state average, this proposed transfer does not enhance the equalization of benefits and costs across the state of Kansas. In fact, along with the impact on supplemental general state aid, the approval of this petition would contradict one of the primary guidelines established by the Kansas State Board of Education for land transfers to *add to the general improvement of the public schools in the state and the equalization of benefits and burdens of education throughout the affected communities.*

Again, the process of closing Wetmore was a long, exhausting, expensive process and the saga continues with this quest for land. Please put an end to this by leaving the land where it is and let USD 113 get back to educating students.

Sincerely,

Briana Evans

Cheryl D. Austin

From: daniel ronnebaum [redacted]
Sent: Sunday, April 14, 2024 10:40 PM
To: 113landtransfer
Subject: landrransfer

Hi Mr. Gorden
I do not live in the are with the disputed land, but have an input I would like to give. I will not go into details about the items brought for at the Bern , Ks meeting, but will mentioned them as I agree with them. I want to bring three additional items to light in some detail.

The things I agree with are
1. Land owners will be able to vote in the school district they send their children to.
2. Land owners will be eligible to hold a school board position in the school they send their children to.
3. Travel time to the school and school activities will be considerable less and the parents can partake of more functions since they work in Seneca.
4 Students already have their friends in school and to change schools would be a blow to the students

The three new items I want to bring forward are listed below.
1 School district 113 elects their school board members at large whereas school district 115 elects their board members from a represented area. From experience, I know that if you have a populated area it will have total influence in an area where you have voting at large (The electoral college is a perfect example to have equal representation).
2 We talk about our environment is in bad shape and that we need to do more to conserve our resources and do less polluting. Spending less time on the road means less gas , less ware and tear on tires , etc which means we pollute less.
3. Probably the most key item to consider is the children. If it wasn't for them we would have no need for a school. What is the best solution for the children? We have to look at their safety getting to and from school, time needed for their sleep and can parents partake of the child's activities . Always remember that the family that does things together will bring better future leaders and workers.
Dan. [redacted]

Cheryl D. Austin

From: [redacted]
Sent: Monday, April 15, 2024 8:47 AM
To: 113landtransfer
Subject: Public USD113 Letter of Support with Link Included
Attachments: USD113 Letter of Support Signatures.txt

KSDE Office of General Counsel
Scott Gordon
900 SW Jackson St.
Topeka, KS 66612
113landtransfer@ksde.org

Dear Mr. Gordon,

This letter is sent in support of USD113. I, and the signers referenced below, request the KSDE to deny the USD115 Land Transfer petition in its entirety.

I am a patron, landowner, and parent in the USD113 school district. Additionally, I am the current administrator of the United Constituents of 113 Facebook group. What initially began as a resource page for patrons when the Wetmore closure was proposed has lasted much longer than I ever imagined necessary due to the continued efforts of the Wetmore Action Group to slander and encourage discourse between USD113 and adjacent districts. It is my firm belief district to district public negotiations could have succeeded. However, that chance fell apart when a potential KOMA violation, which is still being investigated, occurred just prior to a joint USD335 and USD113 meeting over a year ago.

Regardless of motives, intense social media discussions by armchair school administrators, and the passionate emotions involved, the fact remains there are very legitimate and concrete reasons for the KSDE to deny the Land Transfer Petition.

Those reasons are outlined in a public letter of support at this link, https://chng.it/2thF7PgCgq. Attached to this email is a list of signers who support USD113.

Again, I appreciate your and the KSDE's time and attention to this matter.

Sincerely,

Rhonda J Spellmeier

[redacted]

Name	City	State	Postal Code	Country	Signed On
Rhonda Spellmeier				US	3/17/2024
Lindsay Wittwer	Sabetha	KS	66534	US	3/17/2024
Julinne Moore	Seneca	KS	66538	US	3/17/2024
Keremy Bachelor	Topeka	KS	66618	US	3/17/2024
Rachel Lemons	Sabetha	KS	66534	US	3/17/2024
Kelsi Strahm	Kansas City	KS	66103	US	3/17/2024
Heather Schremmer	Hiawatha	KS	66434	US	3/17/2024
Yalana Edelman	Sabetha	KS	66534	US	3/17/2024
Susan Rokey	Minneapolis	MN	55411	US	3/17/2024
Suzanne Schuster	Sabetha	KS	66534	US	3/17/2024
Regina Keim	Sabetha	KS	66534	US	3/17/2024
Valerie Keim	Kansas City	KS	66111	US	3/17/2024
Garrett Spellmeier	Sabetha	KS	66534	US	3/17/2024
Jamie Strahm	Kansas City	KS	66102	US	3/17/2024
Victoria Edelman	Southfield	MI	48033	US	3/17/2024
Mason Spellmeier	Kansas City	MO	64118	US	3/17/2024
Jaclyn Rokey	Kansas City	KS	66103	US	3/17/2024
Whitney Davis	Sabetha	KS	66534	US	3/17/2024
Heather Murphy	Sabetha	KS	66534	US	3/17/2024
Nicole Mann	Sabetha	KS	66534	US	3/17/2024
Virginia Russell	Sabetha	KS	66534	US	3/17/2024
Cynthia Remmers	Sabetha	KS	66534	US	3/17/2024
Tiffany Baumgartner	Morrill	KS	66515	US	3/17/2024
Carrie Strahm	Sabetha	KS	66534	US	3/17/2024
Melissa Keim	Sabetha	KS	66534	US	3/17/2024
Savanna Nieman	SABETHA	KS	66534	US	3/17/2024
Ben Glace	Hiawatha	KS	66434	US	3/17/2024
Marilyn Oehm	Topeka	KS	66618	US	3/17/2024
Shari Frey	Olathe	KS	66061	US	3/17/2024
Connie Herbster	Sabetha	KS	66534	US	3/17/2024
Leslie Scoby	Olathe	KS	66062	US	3/17/2024
Annie Deters	Sabetha	KS	66534	US	3/17/2024
Megan Strahm	Sabetha	KS	66534	US	3/17/2024
Gina Frazee	Sabetha	KS	66534	US	3/17/2024
Donna Keim	Sabetha	KS	66534	US	3/17/2024
Rodney Farwell	Sabetha	KS	66534	US	3/17/2024
Melody Bestwick	Sabetha	KS	66534	US	3/17/2024
Nathanial keim	Tampa	FL	33634	US	3/17/2024
Wanda Menold	Hiawatha	KS	66434	US	3/17/2024
Jacob Strahm	Sabetha	KS	66534	US	3/17/2024
Jenna Hurts	Kansas City	KS	66103	US	3/17/2024
Mikayla Rosenberger	Sabetha	KS	66534	US	3/17/2024
Mark Spellmeier	Sabetha	KS	66534	US	3/17/2024
Nathan Bauman	Hiawatha	KS	66434	US	3/17/2024
Beth Swick	Sabetha	KS	66534	US	3/17/2024
Richard Bestwick	Kansas City	KS	66102	US	3/17/2024
Barbara Spellmeier	Sabetha	KS	66534	US	3/17/2024
Jennifer Burger	Kansas City	KS	66103	US	3/17/2024
Cody Nieman	Kansas City	KS	66109	US	3/17/2024

Danielle Spellmeier-Fischer	Wamego	KS	66547	US	3/17/2024	
Leighanne Farwell	Olathe	KS	66061	US	3/17/2024	
Jeff Tyler	Sabetha	KS	66534	US	3/17/2024	
Taylor Greiner	Sabetha	KS	66534	US	3/17/2024	
Megan Hann	Mission	KS	66202	US	3/17/2024	
Laura Renyer	Sabetha	KS	66534	US	3/17/2024	
Kara Tramp	Sabetha	KS	66634	US	3/17/2024	
Brett Greiner	Sabetha	KS	66534	US	3/18/2024	
Hannah Dettwyler	Sabetha	KS	66434	US	3/18/2024	
Kara Georg	Sabetha	KS	66534	US	3/18/2024	
Lesha Koch	Sabetha	KS	66534	US	3/18/2024	
Randi Fischer	Sabetha	KS	66534	US	3/18/2024	
Kara Beyer	Morrill	KS	66515	US	3/18/2024	
Sherry Scoby	Sabetha	KS	66534	US	3/18/2024	
Michaela Schultejans	Sabetha	KS	66534	US	3/18/2024	
Logan Snyder	Hiawatha	KS	66434	US	3/18/2024	
Sarah Snyder	Hiawatha	KS	66434	US	3/18/2024	
Julie Meyer	Hiawatha	KS	66434	US	3/18/2024	
Barbara Payne	Hiawatha	KS	66434	US	3/18/2024	
Emily Glace	Hiawatha	KS	66434	US	3/18/2024	
Carson Ukele	Sabetha	KS	66534	US	3/18/2024	
Cindy Edelman	Sabetha	KS	66534	US	3/18/2024	
Danielle Rebant	Sabetha	KS	66534	US	3/18/2024	
Crystal Wall	Indianapolis	IN	46224	US	3/18/2024	
Luci Goodman	Kansas City	MO	64132	US	3/18/2024	
Patricia Remmers	Topeka	KS	66618	US	3/18/2024	
Susan Leiker	Hiawatha	KS	66434	US	3/18/2024	
Kim Rettele	Olathe	KS	66062	US	3/18/2024	
Tom Krueger	Sabetha	KS	66534	US	3/18/2024	
Gary Elliott	Sabetha	KS	66534	US	3/18/2024	
Pam Jackman	Sabetha	KS	66534	US	3/18/2024	
Hailie Tryon	Saint Joseph	MO	64506	US	3/18/2024	
Cynthia Baker	Kansas City	MO	64109	US	3/18/2024	
Megan Bunck	Sabetha	KS	66534	US	3/18/2024	
Greg Strahm	Kansas City	MO	64130	US	3/18/2024	
Kristin Boltz	Fairview	KS	66425	US	3/18/2024	
jill angelichio	charlotte	NC	28204	US	3/18/2024	
Jerre Lauer	Topeka	KS	66618	US	3/18/2024	
Mathew Bachtold	Sabetha	KS	66534	US	3/18/2024	
Toni Arnold	Topeka	KS	66618	US	3/18/2024	
Ross Bruggeman	Sabetha	KS	66534	US	3/18/2024	
Crystal Wedel	Kansas City	MO	64133	US	3/18/2024	
Brooke Burger	Olathe	KS	66061	US	3/18/2024	
Jessica Linden	Sabetha	KS	66534	US	3/18/2024	
Susan Middleton	Sabetha	KS	66534	US	3/18/2024	
Robert Toedman	Sabetha	KS	66534	US	3/18/2024	
Kelsey Boldra	Sabetha	KS	66534	US	3/18/2024	
Blake BOldra	Sabetha	KS	66534	US	3/18/2024	
Nancy Flentie	Sabetha	KS	66534	US	3/18/2024	
Jason Burger	Olathe	KS	66061	US	3/18/2024	

Stephanie Sperfslage	Sabetha	KS	66534	US	3/18/2024	
Isaac Blaske	Sabetha	KS	66534	US	3/18/2024	
Tanya Stanton	Sabetha	KS	66534	US	3/18/2024	
Marcia Oom	Overland Park	KS	66212	US	3/18/2024	
Louis Aberle	Sabetha	KS	66534	US	3/18/2024	
Beth Schmelzle	Riley	KS	66531	US	3/18/2024	
Jennifer Rand	Sabetha	KS	66534	US	3/18/2024	
Bailey Hoffman	Sabetha	KS	66534	US	3/18/2024	
Kourtnay Goodman	Denver	CO	80252	US	3/18/2024	
Lynda Hoffman	Kansas City	MO	64133	US	3/18/2024	
Josh Burger	Sabetha	KS	66534	US	3/18/2024	
Aaron Koch	Sabetha	KS	66534	US	3/18/2024	
Wilma Tyler	Sabetha	KS	67534	US	3/18/2024	
Casey Stohs	Sabetha	KS	66534	US	3/18/2024	
Tonya Swogar	Morrill	KS	66515	US	3/18/2024	
Brenda Shroyer	Morrill	KS	66515	US	3/18/2024	
William Kent	Sabetha	KS	66534	US	3/18/2024	
Ashton Kastendick	Falls City	NE	68355	US	3/18/2024	
Janet Heiman	Seneca	KS	66538	US	3/18/2024	
Sheri Edelman	Chicago	IL	60609	US	3/18/2024	
Jana Gruber	MORRILL	KS	66515	US	3/18/2024	
Scott Burger	Kansas City	MO	64146	US	3/18/2024	
Martin Mishler	Sabetha	KS	66534	US	3/18/2024	
Kayla Penn	Sabetha	KS	66534	US	3/18/2024	
Pamela Shuler	Sabetha	KS	66534	US	3/18/2024	
Austin Wasinger	Sabetha	KS	66535	US	3/18/2024	
Lacey Gorman	Sabetha	KS	66534	US	3/18/2024	
Alan Cox	Sabetha	KS	66534	US	3/18/2024	
Kay Shin Whittaker	Sabetha	KS	66534	US	3/18/2024	
Christopher Bean				US	3/18/2024	
Krystal Tangeman	Sabetha	KS	66534	US	3/18/2024	
Lexi Wisdom	Olathe	KS	66062	US	3/18/2024	
Cindy Alderfer	Sabetha	KS	66534	US	3/18/2024	
Darin Georg	Sabetha	KS	66534	US	3/18/2024	
Mary Simpson	Sabetha	KS	66534	US	3/18/2024	
Ashley Niehues	Sabetha	KS	66534	US	3/18/2024	
Elizabeth Badertscher	Bern	KS	66408	US	3/18/2024	
Randi Schmid	Sabetha	KS	66534	US	3/18/2024	
Aaron Georg	Sabetha	KS	66534	US	3/18/2024	
Lori Tinklin	Sabetha	KS	66534-2610	US	3/18/2024	
Deborah Crawshaw	Sabetha	KS	66534	US	3/18/2024	
Kay Edelman	Sabetha	KS	66534	US	3/18/2024	
Lyssia Johnson	Kansas City	MO	64131	US	3/18/2024	
Marci Perdew	Topeka	KS	66618	US	3/18/2024	
Megan Hartley	Kansas City	MO	64114	US	3/18/2024	
Michael Bachelor	Sabetha	KS	66534	US	3/18/2024	
Randy Hoffman	Fairview	KS	66425	US	3/18/2024	
Scott Aberle	Sabetha	KS	66534	US	3/18/2024	
Scott McGuire	Sabetha	KS	66534	US	3/18/2024	
Brett Aberle	Sabetha	KS	66534	US	3/18/2024	

Leah Pyle	Valley Falls	KS	66088	US	3/18/2024	
Shelby Gruber	Sabetha	KS	66534	US	3/18/2024	
Abby Smith	Silver Lake	KS	66539	US	3/18/2024	
Terri McKim	Sabetha	KS	66534	US	3/18/2024	
Andrea Rettele	Fairview	KS	66425	US	3/18/2024	
Emily Pyle	Sabetha	KS	66534	US	3/18/2024	
Chelsea Lee	Sabetha	KS	66534	US	3/18/2024	
Luke Pyle	Sabetha	KS	66534	US	3/18/2024	
Heaven Schuette	Seneca	KS	66538	US	3/18/2024	
Lynn Hartter	Sabetha	KS	66534	US	3/18/2024	
Brandon Edelman	Pawnee City	NE	68420	US	3/18/2024	
Kara Leuthold	Sabetha	KS	66534	US	3/18/2024	
Sheri Lay	Sabetha	KS	66534	US	3/18/2024	
Troy Tinklin	Sabetha	KS	66534	US	3/18/2024	
Becky Bauman	Sabetha	KS	66534	US	3/18/2024	
BRYAN SPERFSLAGE	Sabetha	KS	66534	US	3/18/2024	
Jenna Swinger	Sabetha	KS	66534	US	3/18/2024	
Nicholas Barrett	Springfield	IL	62684	US	3/18/2024	
Kathy Lippert	Sabetha	KS	66534	US	3/18/2024	
Devin Shaffer	Oakland	CA	94612	US	3/18/2024	
Marny Lewis	Davie	FL	33331	US	3/18/2024	
Eric Stahl	Hiawatha	KS	66434	US	3/18/2024	
Esmée Young	Fullerton	CA	92833	US	3/18/2024	
Kody Wemmer	Versailles	KY	40383	US	3/18/2024	
Lori Gruber	Kansas City	KS	66103	US	3/18/2024	
Amy Lowdermilk	Kansas City	MO	64114	US	3/19/2024	
Briana Evans	Sabetha	KS	66534	US	3/19/2024	
Gina Murchison	Topeka	KS	66618	US	3/19/2024	
Robyn Scoby	Sabetha	KS	66534	US	3/19/2024	
Stephen Hartter	Topeka	KS	66618	US	3/19/2024	
Cierra Lambrecht	Lincoln	NE	68504	US	3/19/2024	
Kevin Jonski	Walled Lake	MI	48390	US	3/19/2024	
Sergio Cipriano	Houston	TX	77056	US	3/19/2024	
Lisa Meyer	Hiawatha	KS	66434	US	3/19/2024	
Brad Lippert	Sabetha	KS	66534	US	3/19/2024	
Devon Johnson	Sabetha	KS	66534	US	3/19/2024	
Dave Remmers	Sabetha	KS	66534	US	3/19/2024	
Miles Ploeger	Topeka	KS	66618	US	3/19/2024	
Michelle Detweiler	Summerfield	KS	66541	US	3/19/2024	
Galen Ackerman	Sabetha	KS	66534	US	3/19/2024	
Janet Strahm	Sabetha	KS	66534	US	3/19/2024	
Jason Rose	Sabetha	KS	66534	US	3/19/2024	
Susan Futscher	Sabetha	KS	66534	US	3/19/2024	
Bryan Minge	Sabetha	KS	66534	US	3/19/2024	
Paul Kaeb	Sabetha	KS	66534	US	3/19/2024	
Yancey Stolzenberger	Sabetha	KS	66534	US	3/19/2024	
Jacklyn Ross	Sabetha	KS	66534	US	3/19/2024	
Bobbie Rose	Sabetha	KS	66534	US	3/19/2024	
Joan Kaeb	Sabetha	KS	66534	US	3/19/2024	
Samira Kethu	Plano	TX	75093	US	3/19/2024	

Tami Minge	Hiawatha	KS	66434	US	3/19/2024	
Jennifer Rowland	Kansas City	KS	66103	US	3/19/2024	
Treviir Bradbury	Sabetha	KS	66534	US	3/19/2024	
Ryan Schuette	Sabetha	KS	66534	US	3/19/2024	
Nathan Huning	Morrill	KS	66515	US	3/19/2024	
Tim Aberle	Sabetha	KS	66534	US	3/19/2024	
Tara Wikle	Sabetha	KS	66534	US	3/19/2024	
Kalvin Evans	Sabetha	KS	66534	US	3/19/2024	
Kaleb Evans	Sabetha	KS	66534	US	3/19/2024	
Adam Renyer	Sabetha	KS	66534	US	3/19/2024	
Jacque Stallbaumer	Olathe	KS	66061	US	3/19/2024	
Christopher Aberle	Sabetha	KS	66534	US	3/19/2024	
Kimberly Aberle	Sabetha	KS	66534	US	3/19/2024	
Amanda Burger	Wichita	KS	67208	US	3/19/2024	
Abby Stueve	Axtell	KS	66403	US	3/19/2024	
Megan McDonald	Sabetha	KS	66534	US	3/19/2024	
Maria Edelman	Sabetha	KS	66534	US	3/19/2024	
NAN BARBER	Hiawatha	KS	66434	US	3/19/2024	
Jonathan Rausch	Sabetha	KS	66534	US	3/19/2024	
John Suhr	Sabetha	KS	66534	US	3/19/2024	
kaitlin_shafer@hotmail.com	Shafer	Sabetha	KS	66534	US	3/19/2024
Kenan Shafer	Hiawatha	KS	66434	US	3/19/2024	
Joni Tangeman	Topeka	KS	66618	US	3/19/2024	
Nick Aberle	Kansas City	MO	64109	US	3/19/2024	
Julie Evans	Holland	MI	49423	US	3/19/2024	
Krista Bruggeman	Kansas City	MO	64130	US	3/19/2024	
Elaine Garber	Olathe	KS	66062	US	3/20/2024	
Andrew Lillie	Sabetha	KS	66534	US	3/20/2024	
Michelle Keim	Sabetha	KS	66534	US	3/20/2024	
Brenda Lierz	Sabetha	KS	66534	US	3/20/2024	
Cindy Wiltz	Hiawatha	KS	66434	US	3/20/2024	
LANA WELLS	Sabetha	KS	66534	US	3/20/2024	
Morgan Schuette	Sabetha	KS	66534	US	3/20/2024	
Taryn Council	Seward	NE	68434	US	3/20/2024	
Shane Schuette	Sabetha	KS	66534	US	3/20/2024	
Riley Lierz	Sabetha	KS	66534	US	3/20/2024	
Debra Jenkins	Sabetha	KS	66534	US	3/20/2024	
Kinley Rethman	Netawaka	KS	66516	US	3/20/2024	
Sandon Wittwer	Sabetha	KS	66534	US	3/20/2024	
Dale Stallbaumer	Sabetha	KS	66534	US	3/20/2024	
Marilyn Kohake	Axtell	KS	66403	US	3/20/2024	
Chelsea yocum	Bern	KS	66408	US	3/20/2024	
Monica Edelman	Sabetha	KS	66534	US	3/20/2024	
Nicholas Clark	Wetmore	KS	66550	US	3/20/2024	
Amy Mitchell	Sabetha	KS	66534-1502	US	3/20/2024	
Elizabeth Cole	Leawood	KS	66206	US	3/20/2024	
Jerry Johnson	Topeka	KS	66618	US	3/20/2024	
Mary Renyer	Sabetha	KS	66534	US	3/20/2024	
Katie Aberle	Sabetha	KS	66534	US	3/20/2024	
Cheryl Schuette	Hiawatha	KS	66434	US	3/20/2024	

Ramona Strahm	Salt Lake City	UT	84129	US	3/20/2024	
Caleb Strahm	St Louis	MO	63146	US	3/20/2024	
Michael Edelman	Kansas City	MO	64152	US	3/20/2024	
Kortney Plattner	Sabetha	KS	66534	US	3/20/2024	
kelli alley	south charleston	WV	25309	US	3/20/2024	
Mariah Strahm	St Louis	MO	63146	US	3/20/2024	
Linda Hopp	Axtell	KS	66403	US	3/20/2024	
Katie Sandmann	Axtell	KS	66403	US	3/20/2024	
Nicole Ronnebaum	Axtell	KS	66403	US	3/20/2024	
Bradley Broxterman	Axtell	KS	66403	US	3/20/2024	
Sarah Kaeb	Sabetha	KS	66534	US	3/20/2024	
Toni Floyd	Johnson	KS	67855	US	3/20/2024	
Amy Menold	Sabetha	KS	66534	US	3/20/2024	
Kelsey Ronnebaum	Axtell	KS	66403	US	3/20/2024	
Tammy Ulrich	Topeka	KS	66618	US	3/20/2024	
Erika Buessing	Beattie	KS	66406	US	3/20/2024	
Shelly Schmelzle	Sabetha	KS	66534	US	3/20/2024	
Harold Schmelzle	Sabetha	KS	66534	US	3/20/2024	
Patricia Buessing	Axtell	KS	66403	US	3/20/2024	
Ed Strahm	Sabetha	KS	66534	US	3/20/2024	
Olivia Warren	Morrill	KS	66515	US	3/20/2024	
Amy Humphreys	Hesston	KS	67062	US	3/20/2024	
Erin Tynon	Westmoreland	KS	66549	US	3/20/2024	
Josh Bechtelheimer	Kansas City	MO	64130	US	3/20/2024	
Wayne Nichols	Manhattan	KS	66502	US	3/20/2024	
Stanley Keim	Sabetha	KS	66534	US	3/20/2024	
Chelsey Huninghake	Baileyville	KS	66404	US	3/21/2024	
Scott Wedel	Sabetha	KS	66534	US	3/21/2024	
Kathy Huneke	Lincoln	NE	68523	US	3/21/2024	
Vicki Ploeger	Hiawatha	KS	66434	US	3/21/2024	
Margaret Suther	Sabetha	KS	66534	US	3/21/2024	
Odetta Koch	Kansas City	MO	64110	US	3/21/2024	
Jason Meyer	Sabetha	KS	66534	US	3/21/2024	
Amber Deters	Sabetha	KS	66534	US	3/21/2024	
Laurie Duran	Sabetha	KS	66534	US	3/21/2024	
David Stuart	Chicago	IL	60644	US	3/21/2024	
Gina Talbot	Axtell	KS	66403	US	3/21/2024	
Sarah Shaughnessy	Axtell	KS	66403	US	3/21/2024	
Ben Sunnenberg	Axtell	KS	66403	US	3/21/2024	
Steve Orwig	Mililani	HI	96789	US	3/21/2024	
Dustin Strathman	Axtell	KS	66403	US	3/21/2024	
Sara Kroeger	Axtell	KS	66403	US	3/21/2024	
Peggy Moore	Kansas City	MO	64184	US	3/21/2024	
Loretta Buser	Sabetha	KS	66534	US	3/21/2024	
Patti Pierson	Sabetha	KS	66534	US	3/21/2024	
Megan Gruber	La Crosse	WI	54601	US	3/21/2024	
Loren Edelman	Sabetha	KS	66534	US	3/21/2024	
Holly Snyder	Sabetha	KS	66534	US	3/21/2024	
Cory Joy	Sabetha	KS	66534	US	3/21/2024	
Gayle Meyer	Sabetha	KS	66534	US	3/21/2024	

Heidi Edelman	Sabetha	KS	66534	US	3/21/2024	
Karen Heiniger	Kansas City	MO	64111	US	3/21/2024	
Audrey Tramp	Sabetha	KS	66534	US	3/21/2024	
Kaitlyn Lierz	Baileyville	KS	66404	US	3/21/2024	
Melissa Dornes	Kansas City	MO	64130	US	3/21/2024	
Jacob Grimm	Sabetha	KS	66534	US	3/21/2024	
Nyah Strahm	Sabetha	KS	66534	US	3/21/2024	
Hunter Haynie	Sabetha	KS	66534	US	3/21/2024	
Kimberly Harrell	Sabetha	KS	66534	US	3/21/2024	
Ali Bruna	Axtell	KS	66403	US	3/21/2024	
colby buser	Sabetha	KS	66534	US	3/21/2024	
Khaldoun Barakeh	Wichita		67206	US	3/21/2024	
Rachel Stolzenberger	Sabetha	KS	66534	US	3/21/2024	
Tate Steinlage	Kansas City	MO	64151	US	3/21/2024	
Stefni Summers	Broken Arrow	OK	74011	US	3/21/2024	
Celeste Votruba	Fairview	KS	66425	US	3/21/2024	
Jennifer Herrmann	Kansas City	MO	64110	US	3/21/2024	
Nicole Dorn	Sabetha	KS	66534	US	3/21/2024	
Wynn Buessing	Axtell	KS	66403	US	3/21/2024	
Janet Strahm	Sabetha	KS	66534	US	3/21/2024	
Susan Chandler	Sabetha	KS	66534	US	3/21/2024	
Brent Hayden	Sabetha	KS	66534-2822	US	3/22/2024	
Brody Deters	Sabetha	KS	66534	US	3/22/2024	
Tabitha Fate	Warren	IN	46792	US	3/22/2024	
Suzann Plattner	Kansas City	MO	64112	US	3/22/2024	
Hillary Krebs	Sabetha	KS	66534	US	3/22/2024	
Pete Schuetz	Sabetha	KS	66534	US	3/22/2024	
Brandi Lybarger	Axtell	KS	66403	US	3/22/2024	
Greta Heiman	Sabetha	KS	66534	US	3/22/2024	
Yoseph Amanuel	Chicago	TX	64036	US	3/22/2024	
Adam Kaluba	Burleson	TX	76028	US	3/22/2024	
Jason Kaeb	Sabetha	KS	66534	US	3/22/2024	
Yvonne Althouse	Sabetha	KS	66534	US	3/22/2024	
Donna Douglas	Hiawatha	KS	66434	US	3/22/2024	
Wesley Hurts	Seneca	KS	66538	US	3/22/2024	
Holly Wisdom	Sabetha	KS	66534	US	3/22/2024	
Christina Lierz	Sabetha	KS	66534	US	3/22/2024	
Tina Hughes	Sanetha	KS	66534	US	3/22/2024	
Duane Meyer	Overland Park	KS	66204	US	3/22/2024	
Dora Frederick	Seneca	KS	66538	US	3/22/2024	
Teresa Deckinger	Sabetha	KS	66434	US	3/22/2024	
Jessica Wilder				US	3/22/2024	
Matt Heiman	Sabetha	KS	66534	US	3/22/2024	
Aaron Duran	Kansas City	KS	66109	US	3/22/2024	
Diane Strahm	Overland Park	KS	66212	US	3/22/2024	
Samuel Keim	Sabetha	KS	66534	US	3/22/2024	
Mary Herrmann	Sabetha	KS	66534	US	3/22/2024	
Blake Bowser	Kansas City	MO	64130	US	3/22/2024	
Kristin Meyer	Kansas City	MO	64131	US	3/22/2024	
Donna Herrmann	Sabetha	KS	66534	US	3/22/2024	

Jim Scoby	Kansas City	MO	64111	US	3/22/2024	
Jay Herrmann	Kansas City	MO	64117	US	3/22/2024	
Halley Mitchell	Sabetha	KS	66534	US	3/22/2024	
Laura Pyle	Denver	CO	80252	US	3/22/2024	
Jerad Meyer	Kansas City	MO	64105	US	3/22/2024	
Loretta Fitzgerald	Netawaka	KS	66516	US	3/22/2024	
Heather Miller	Axtell	KS	66403	US	3/22/2024	
Heidi Franz	Rogers	AR	72756	US	3/22/2024	
Laurel R Cole	Fairview	KS	66425	US	3/22/2024	
Andrew Floyd				US	3/22/2024	
Cassandra Lierz	Sabetha	KS	66534	US	3/22/2024	
Kaleigh Carter	Sabetha	KS	66534	US	3/22/2024	
Rose Harlow-Harris	West Springfield		MA	1089	US	3/22/2024
Denise Schmidt	Larned	KS	67550	US	3/22/2024	
Tamara Hinton	Morrill	KS	66515	US	3/22/2024	
Paul Hinton	Morrill	KS	66515	US	3/22/2024	
Jennifer Ploeger	Morrill	KS	66515	US	3/23/2024	
Vicky Moser	Sabetha	KS	66534	US	3/23/2024	
Sharron Clark	Horton	KS	66439	US	3/23/2024	
Megan Snyder	Phillipsburg	KS	67661	US	3/23/2024	
Joshua Grimm	Sabetha	KS	66534	US	3/23/2024	
Emad Melk	Ashburn	VA	20148	US	3/24/2024	
Belinda Garten	Erie	KS	66733	US	3/24/2024	
Lori Peterson	Philadelphia	PA	19141	US	3/24/2024	
Amanda Marcotte	Burlington	KS	66839	US	3/24/2024	
Paul Herl	Kansas City	MO	64184	US	3/25/2024	
Jennifer Hahn	Los Angeles	CA	91335	US	3/25/2024	
Tiffany Stephenson	Jefferson City	MO	65109	US	3/25/2024	
Betsy Tedman	Sabetha	KS	66534	US	3/25/2024	
Colin Davilla	Baker City	OR	97814	US	3/25/2024	
Dawn Ghannan	Wassaic	NY	12592	US	3/25/2024	
Hal Barker	Dallas	TX	75218	US	3/25/2024	
Jessica Thomas	Decatur	GA	30034	US	3/26/2024	
Margaret Hundley	Kansas City	MO	64132	US	3/26/2024	
Nancy Pope	Spokane	WA	99208	US	3/26/2024	
Brandy Edelman	Sabetha	KS	66534	US	3/26/2024	
Nick Harling	Sabetha	KS	68355	US	3/27/2024	
Susana Herrera	Calexico	CA	92231	US	3/27/2024	
Stephanie Brown	Lemont	IL	60441	US	3/27/2024	
Luis Maldonado	Calexico	CA	92231	US	3/27/2024	
Gary Lierz	Sabetha	KS	66534	US	3/27/2024	
Bobbi Dillon	Sabetha	KS	66534	US	3/27/2024	
Betti Kemenosh	Philadelphia	PA	19124	US	3/27/2024	
Jonathan Miller	Fort Wayne	IN	46808	US	3/28/2024	
ramakrishna p	Mount Prospect	IL	60056	US	3/28/2024	
Tatum Wadholm	San Francisco	CA	94134	US	3/28/2024	
Heather Isaac	Vista	92084	US	3/28/2024		
McKenna Gatz	Sabetha	KS	66534	US	3/28/2024	
Ronna Montgomery	Sabetha	KS	66534	US	3/28/2024	
Emerson Montgomery	Sabetha	KS	66534	US	3/28/2024	

Keith Wysong	Omaha	NE	68111	US	3/28/2024		
Maribel Negrete	Victorville		CA	92392	US	3/28/2024	
Alana Preziosi	Swedesboro		NJ	8085	US	3/29/2024	
Paul Markillie	Grand Blanc Township			MI	48439	US	3/29/2024
Austin Egnew	Phoenix	AZ	85022	US	3/29/2024		
Anne Ruth	Atlanta	GA	30014	US	3/30/2024		
Margarita Rayzman	Old Bridge			NJ	8857	US	3/30/2024
Norma Santiago Rivera	Cabo Rojo					US	3/30/2024
Harland Schuster	Morrill	KS	66515	US	3/31/2024		
Jenae Wysong	Kansas City		MO	64114	US	3/31/2024	
Sue Brooks	North Little Rock			AR	72118	US	4/1/2024
Dora Niremberg				US	4/1/2024		
Jordan Coughenour	Springville			PA	18844	US	4/1/2024
Ian Mills	Orlando		32801	US	4/1/2024		
Not Telling	Houston	TX	77082	US	4/1/2024		
servane degas	san francisco		CA	94118	US	4/2/2024	
S J	Dallas	TX	75270	US	4/2/2024		
Erika Rikhiram	Clermont		FL	34711	US	4/2/2024	
Landon White	Greenfield		NH	3047	US	4/2/2024	
Carly Lakes				US	4/2/2024		
maddie barott	Minneapolis		MN	55413	US	4/3/2024	
Melodi Gulsen	Los Angeles		CA	90066	US	4/3/2024	
Angi Bos	Charlotte		NC	28202	US	4/3/2024	
Dante Doucette				US	4/3/2024		
meow meow	Oak Park		IL	60302	US	4/3/2024	
sam wagner	Danville		IL	61832	US	4/4/2024	
Amanda Parker	Rock Hill		SC	29730	US	4/4/2024	
Eric Niehues	Corning	KS	66417	US	4/4/2024		
Ercilia McNett	Sabetha	KS	66534	US	4/4/2024		
Janet Steinlage	Lawrence		KS	66049	US	4/4/2024	
Luke Spellmeier	Topeka	KS	66615	US	4/4/2024		
Jobi Wertenberger	Sabetha		KS	66534	US	4/4/2024	
Diana Sanchez	Charlotte		NC	28273	US	4/4/2024	
Hillary Wiltz	Sabetha	KS	66534	US	4/5/2024		
Autumn Lavensky	Cuyahoga Falls		OH	44221	US	4/5/2024	
Maggie Baez	Houston	TX	77088	US	4/9/2024		
Luzia Soares	Charlotte		NC	28212	US	4/10/2024	
Chasity Braud	Natchitoches		LA	71457	US	4/11/2024	
cathy rupp	Pittsburgh		PA	15213	US	4/11/2024	
Ashley Kidwell	Sabetha	KS	66534	US	4/11/2024		
Linyu Li	Pacifica		CA	94044	US	4/11/2024	
Jordan Brown	Hiawatha		KS	66534	US	4/11/2024	
Alanna McCorkle	Kansas City		MO	64128	US	4/11/2024	
Shayla Davis	Kansas City		MO	64114	US	4/11/2024	
Danielle Fernandez	Hiawatha			KS	66434	US	4/11/2024
Jill Dempewolf	Highland		KS	66035	US	4/11/2024	
Tammy torkelson	Hiawatha		KS	66434	US	4/11/2024	
Jody Strahm	Bern	KS	66408	US	4/11/2024		
David Alvarez				US	4/11/2024		
Lori Baumgartner	Sabetha		KS	66534	US	4/11/2024	

Nikki McAfee	Kansas City	MO	64127	US	4/11/2024
Julie Strader	Sabetha KS	66534	US	4/11/2024	
Stacy Atwood	Sabetha KS	66534	US	4/11/2024	
G Vendl Fort Collins	CO	80525	US	4/11/2024	
Kari Meyer	Overland Park	KS	66221	US	4/11/2024
Jessica Lane	Sabetha KS	66434	US	4/11/2024	
Gloria Infante	San Antonio	TX	78550	US	4/11/2024
James Zenor	Salem OR	97302	US	4/12/2024	
Broderick Frey	Manhattan	KS	66503	US	4/12/2024
Amy Bergman	Sabetha KS	66534	US	4/12/2024	
Jasmine Arango	Dallas TX	75227	US	4/12/2024	
Abigail Tsosie	Window Rock	AZ	86515	US	4/12/2024
Darin Marti	Manhattan	KS	66503	US	4/12/2024
Cheryl Johnson	Sabetja KS	66534	US	4/13/2024	
Scot Duncan	Greensboro	NC	27455	US	4/14/2024
Debbie Wilson	Barnegat	NJ	8005	US	4/14/2024
Barnes Trudie	Topeka KS	66618	US	4/14/2024	
Darlene Stoller	Sabetha KS	66534	US	4/15/2024	

Cheryl D. Austin

From: Lea Anne Nolte [redacted]
Sent: Monday, April 15, 2024 11:45 AM
To: 113landtransfer
Subject: Land transfer

To whom it may concern,

I am writing in response to the usd #113/115 land transfer.
I will keep this short and just state that I am in support of the tranfer. This transfer has been long overdue and the right thing to do for many reasons that I am sure that have already been brought up.

Thank you for taking the time on this matter,

Lea Anne Nolte
Seneca, KS

Yahoo Mail: Search, Organize, Conquer

Cheryl D. Austin

From: Suzanne Schuster [redacted]
Sent: Monday, April 15, 2024 1:04 PM
To: 113landtransfer
Cc: Suzanne Schuster
Subject: USD 113 Land Transfer

Good afternoon,

I believe that the USD 113 Land Transfer petition should be dismissed for the following reasons:

- NO CHANGE OF CIRCUMSTANCES - State guidelines require a material change of circumstances of a substantial and weighty measure to justify the taking of land from one school district to another. When Wetmore closed two (2) students transferred to Nemaha-Central. This does not meet criteria for a substantial and weighty change for the petitioning district.

- HISTORY - In 2009 Nemaha Central had the opportunity to combine with Bern/Axtell/Summerfield through the democratic process but chose to avoid consolidation. Sabetha stepped up and combined with Bern/Axtell/Summerfield when the economics were challenging. Now, USD115 is seeking to claim land they initially rejected and take 18.8% of Prairie Hills territory.

- LOCAL CONTROL - Education issues are best decided locally, not at the State level. USD 113 has proven that it has the ability to find reasonable local solutions by negotiating with USD 335 Jackson Heights and USD 380 Vermillion, who did sustain more substantial changes with the closure of the Wetmore Academic Center than USD115 did. Additionally, USD115 is petitioning for land that has already been negotiated to be given to USD380.

- OPEN ENROLLMENT AND STATEWIDE DOMINOES – The Kansas Legislature has now adopted "open enrollment", indicating land value does not follow students. If the State Board accepts USD115's petition, school districts all over Kansas may seek action to take land from neighboring districts creating a chain reaction. Granting the petition could create statewide chaos, and these hearings will become routine.

- EDUCATING OUT OF DISTRICT STUDENTS – Prior to open enrollment beginning in fall 2024, 7.3% of all Kansas students already attend school out of district. Just like Nemaha-Central, Prairie Hills happily educates 123 out of district students. Choosing to educate out of district students, as both districts have historically done, is not a justification for taking school district territory.

- DISTANCE & CONVENIENCE – The Bern community is equidistant to both Sabetha and Seneca. There is no discernible difference. Families east and west of Bern attend school and regularly do business in Sabetha. Families work, attend church, and do business across northeast Kansas, regardless of their place of residence.

- CHECKERBOARD DISTRICTS – the Nemaha-Central petition seeks to geographically separate Axtell and Sabetha. This petition serves as a precedent for other parts of Kansas and can potentially lead to even more geographically separate boundaries that are not logical.

- CAPACITY – Sabetha has the capacity to educate all students. No need to hire new teachers or build new buildings. In contrast, Nemaha-Central has repeatedly acknowledged capacity concerns. In the past Nemaha-Central has even turned away students. Drawing new boundaries to encourage students to attend school where there are capacity issues defies common sense.

- FUNDING ISSUES - The KSDE Guideline for land transfer indicates that a primary consideration for a request to take land from one district and give to another is the impact of equalization of benefits. Currently, USD113 is one of 89% of Kansas districts who receive state aid. USD115 does not due to its existing wealth and is one of only 11% of districts who do not receive state aid under the equalization formula. If USD113 valuation decreases, as it would drastically with a forced land transfer, the State of Kansas will have to increase the amount of state aid USD113 receives, which translates into increased cost for taxpayers across the state.

Respectfully,

Suzanne Schuster

[redacted]

Cheryl D. Austin

From: Jacob Leuthold [redacted]
Sent: Monday, April 15, 2024 1:39 PM
To: 113landtransfer
Subject: USD 113 Land Transfer

Dear Mr. Gordon,

My name is Jacob Leuthold, and my wife and I are currently building a house on our land located between Q road and O road. These two roads have been discussed by multiple sides as potential boundary lines. We currently do not have children but hope to start growing our family soon and when when that time comes plan to send our kids to Sabetha. We wish to stay in the Sabetha 113 district. This logistically makes sense since it is closer than Seneca and both of us work in Sabetha. I know that there are many people of the Bern community that wished to be with Seneca and it has been portrayed that all the Bern community wishes to be with Seneca. I am writing today to tell you it isn't true. Specifically in the 2 mile strip between Q and O road, there are many families that currently send there kids to 113 and many that will in the future and have in the past. My sister in law and her husband recently moved into this area and a part of the decision was that their kids wouldn't have to change districts. I know the line has to be drawn somewhere but want it to be known that not all of Bern is for Seneca. I believe 113's proposed line at O road was very generous and would be a reasonable ending for all this.

For a little background, I was a freshman in Bern in 2012 when it was shut down, and then went to Sabetha for my last three years. I know first hand how painful it can be to lose your school and have to switch schools and figure out how to navigate everything that goes with it. I truly had a great experience at Sabetha and am happy that was my choice to finish school. But I think Seneca also has a good school. They had good teachers, coaches, and students that would have also made it a good experience. This is all to say that both schools have good education, good staff and good opportunities for the students and that is the priority. The main point of this land transfer isn't even about the money. For most, it is about being able to be represented where you send your kids. I am conflicted because I want to stay in 113 but I know it isnt fair that all of the families west of Bern that will never send their kids to 113 have no say in what happens in 115.

As I said earlier, it was a painful process to lose our school, but the Bern community is strong and moved on and made our peace with what happened. But 12 years later it all comes back around again and brings up those painful feelings. So again I wish to stay in the USD113 district and have the line drawn at O road, but also think that a change needs to be made. The biggest thing that comes out of all of this is I just want my community back. Right now it feels like there are Bern-Sabetha people and Bern-Seneca people. I just want a fair and reasonable decision to be made so this never has to be brought up again and it can go back to being the Bern Community.

Thank you for taking the time to listen to the members of the community that this is affecting.

Jacob Leuthold
[redacted]

Cheryl D. Austin

From: Nathan Bauman [redacted]
Sent: Monday, April 15, 2024 4:12 PM
To: 113landtransfer
Subject: Letter in support of USD 113
Attachments: Letter in support of USD 113 (1).pdf

Good afternoon,

Attached you will find a letter in support of USD 113 in land transfer discussions with USD 115.

Thank you for your consideration.

--
Nathan Bauman
Principal
Sabetha High School
Sabetha, KS

It's a GREAT day to be a BLUEJAY!!

To Whom it May Concern,

I am writing this letter in opposition to the petition put forth by USD 115 to transfer land from USD 113. I am a parent of two (soon to be three) USD 113 graduates and have been a taxpayer and employee in USD 113 for over 20 years. In that time our district (and other rural districts in Kansas) has been put in a position, often by state legislation, to have to be creative when finding ways to fund our school system. I would venture to say that, had Kansas schools been properly funded all along, we would not be in the position to have schools closing, to have neighboring districts at odds over land valuations and transfers, and to be spending further school district funds and time on attorney fees rather than educating kids.

This leads to the main reason I oppose this petition and I believe the state should be in opposition as well. The precedent this would set for landowners and school districts around the state to create similar petitions and the time and attorney fees that would be encumbered would further prohibit school districts and the state board from their true purpose of educating our kids. This process has had far too large a role in recent board meetings as well as in the minds of our community, our board members, and our superintendent.

The timeliness of this petition is questionable at best in that the consolidation of USD 488 and USD 441 into USD 113 was over a decade ago, frankly at the encouragement of the Kansas legislature and the laws and statutes they put into place. This seems like a rather opportunistic "land grab" for USD 115, who was not willing to take USD 488 over a decade ago. It seems as though they were content to allow USD 441 to do the "dirty work" and would now like to reap some of the benefits.

While I do understand the plight of some of the residents who would like representation and taxation in the district within which their students attend. I would simply say, we would love to have their students join us in USD 113 and Sabetha High School so that this can happen.

Thank you for your time and consideration of this matter and I sincerely hope that you will come to a solution that is best, not only for the students of USD 113, but more importantly for the students of the entire state of Kansas.

Respectfully submitted,

Nathan Bauman
Principal
Sabetha High School

Cheryl D. Austin

From: Kathleen Lippert [redacted]
Sent: Monday, April 15, 2024 4:55 PM
To: 113landtransfer
Subject: USD113 letters of support
Attachments: Scott Gordon April 15, 2024 .1.docx; Scott Gordon April 15, 2024.2.docx; Scott Gordon April 15, 2024 .3.docx

Attached, please find 3 letters, each with a different topic and only 1 page in length, supporting USD113.

Please accept, review, and consider this information.

--
Kathy Lippert
[redacted]

Scott Gordon
Presiding Officer
Kansas State Board of Education (KSDE)

Dear Mr. Gordon and KSDE Board Members:

This letter is sent in support of USD113. I request that KSDE deny the USD115 Land Transfer petition in its entirety.

KSDE mission is to support quality education in Kansas.

Does the petition to take land support quality education or enhance education in either of the two districts or any school district in Kansas? No, it does not. Both school districts provide quality education to all students who choose to attend the districts. There is zero evidence to support the notion that a land transfer will improve educational outcomes.

Does the petition to take land reduce the tax burden or enhance fiscal responsibility? No, it does not. In fact, it would make a wealthy district richer - USD115 is currently close to the equalization funding level. If the land is transferred, USD115 would become wealthier. The proposed land transfer would decrease available resources for USD113 and would require added state equalization resources.

The proposed land transfer would have zero improved educational outcomes and cost taxpayers. Please deny the petition.

Kathy Lippert,
USD113 patron, parent of three (3) graduates from USD113, landowner, and BOE member.

Scott Gordon
Presiding Officer
Kansas State Board of Education (KSDE)

Dear Mr. Gordon and KSDE Board Members:

This letter is sent in support of USD113. I request that KSDE deny the USD115 Land Transfer petition in its entirety.

Kansas school districts designated with a number in 100's all engaged in a consolidation with a neighboring district over a decade ago. Sabetha consolidated with Bern/Axtell to become USD113. The land currently supports the K-12 program in Axtell and Sabetha.

Seneca consolidated with B&B to become USD115. The land joined in this consolidation supports one K-12 program in Seneca. Seneca made no effort to provide for long-term viability of the B&B K-12 program.

Many school districts in Kansas consolidated, just like USD113 and USD115. The petition alleges that the closure of the Wetmore building in 2023 justifies their petition for land. Facts:

1. Only two (2) students from the closed Wetmore building attend USD115.
2. The closure of Bern happened over a decade ago.

If the closure of a building which results in two (2) students transferring to neighboring district resurrects a "current" change of circumstance for a closure that happened over a decade ago. It opens the door for all of the districts numbered in the 100s to be subject to a land transfer request.

There is no substantial change in circumstance to support the land transfer petition. Please deny the petition.

Kathy Lippert,
USD113 patron, parent of three (3) graduates from USD113, landowner, and BOE member.

Scott Gordon
Presiding Officer
Kansas State Board of Education (KSDE)

Dear Mr. Gordon and KSDE Board Members:

This letter is sent in support of USD113. I request that KSDE deny the USD115 Land Transfer petition in its entirety.

A claim was made at the public hearing, by representatives of USD115, that the land transfer petition would only have a "small" impact on the budget for USD113. The "small" impact they said was around $300,000, "only a slight percentage of their budget".

It appears that "small" is in the eyes of the speaker. What does $300,000 mean to the students? It would pay for three (3) or more teachers. It would support salary increases for teachers - the key to quality education. It would pay for more bus drivers, or educational programs for students with ADHD, dyslexia, or other student needs. Contrary to their assertion, the budget impact would be significant.

The same speaker asserted patrons in the petitioned area did not have any representative on the school board. This was an outright fabrication each area within the district is represented. According to statute, each district is to be roughly equal in population and there is one at-large member.

Credibility is critical. The petition for land transfer does not enhance education, costs taxpayers, and reduces fiscal resources for USD113. Please deny the petition.

Kathy Lippert,
USD113 patron, parent of three (3) graduates from USD113, landowner, and BOE member.

Cheryl D. Austin

From: Josh Ney [redacted]
Sent: Monday, April 15, 2024 5:02 PM
To: 113landtransfer
Cc: Scott Gordon
Subject: 2024-PTT-01 - PETITIONER USD 115's SUPPLEMENTAL WRITTEN TESTIMONY
Attachments: USD 115 Written Testimony 4.15.24 with exhibits.pdf

Please find Petitioner USD 115's supplemental written testimony attached.

--
Joshua A. Ney, Partner
Kriegshauser Ney Law Group
900 S. Kansas Ave., Ste. 402
Topeka, KS 66612
Tel. (785) 414-9065
josh@knlawgroup.com
www.knlawgroup.com

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BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of the	)	
Petition to Transfer Territory	)	**File No. 24-PTT-01**
from USD 113 (Prairie Hills)	)	
to USD 115 (Nemaha Central)	)	

PETITIONER'S SUPPLEMENTAL WRITTEN TESTIMONY

COMES NOW Petitioner USD 115 (Nemaha Central) and submits this Supplemental Written Testimony in support of USD 115's Petition for Land Transfer:

INTRODUCTION

This written testimony provides the following new information and arguments after the holding of the public hearing in this matter in Bern, Kansas, on March 22, 2024 ("Bern Hearing").

This testimony includes:

1. Proposed alternative land transfer descriptions pursuant to K.S.A. 72-532(e);
2. Additional key points in favor of transfer;
3. Comparison of USD 115 Petition to State Board of Education's approval of the Petition for Land Transfer of USD 435 (Abilene) in File No. 738 on June 14, 2000. (Order of the Kansas State Board of Education, File No. 738 (June 14, 2000); and
4. Arguments regarding public policy issues raised by USD 113 (Prairie Hills) at the March 22, 2024 hearing.

1. Alternative amended land transfer descriptions

Pursuant to K.S.A. 72-532(e), the State Board may "approv[e] the [Petition] with such amendments as it deems appropriate." As part of this written testimony, USD 115 submits two additional alternative transfer tracts that would either exclude Section 1.3 that is anticipated to be transferred to USD 380 ("Alternative 1" attached as **Exhibit A.1**) or exclude Section 1.3 and the City of Bern and territory to the east of O Road and to the north of 216th St. ("Alternative 2" attached as **Exhibit A.2**). These alternative certified legal descriptions are submitted based on testimony and questioning at the Bern Hearing regarding USD 115's support for transfer of Section 1.3 to USD 380 as part of joint mediation as well as the minority presence of USD 113 students in the Bern area.

Regarding Alternative 1, the area in Section 1.3 of the original July 2023 joint proposal for land transfer by USD 115, USD 335, and USD 380, is now included in the proposal for transfer by agreement between USD 113 and USD 380, subject to approval of the State Board. As stated by counsel at the Bern hearing in response to questioning by the Hearing Officer, part

of the districts' joint mediation in December 2023, USD 115 was aware and supported of the transfer of this 2.38 square mile tract to USD 380 based on USD 113's proposal in mediation. As a result, Alternative 1 is included to reflect the transfer tract proposed in USD 115's Petition less the area in Section 1.3. New legal descriptions regarding the final decision of the State Board in each of the three matters (USD 113 transfers to USD 115, USD 335, and USD 380) are available in draft form and can be certified at any point when requested by the Hearing Officer or State Board, well before the effective date of transfer on July 1, 2024.

Regarding Alternative 2, one line of questioning from the Hearing Officer at the Bern Hearing focused on the decision of USD 115 to include the Bern city limits and area to the east of O Road and to the north of 216th Rd. As explained at the hearing, the majority of the students in this area attend USD 115 out of district (24 out of 43 total students, or 56% of students) and this area was part of the historic district boundaries of USD 488 (Bern) prior to consolidation. However, this 6.0 square mile area also has a minority of USD 113 students (19 out of 43 total students). If Alternative 2 were to be approved by the State Board, nearly all students in the transferred students would be USD 115 students, (39 of 41 students, or 95% of students), leaving only 2 students in the area ultimately transferred to USD 115. This result would ultimately be acceptable to USD 115 and the families in the Petitioned Area as a whole given that the vast majority of land would be transferred to reflect student enrollment trends and landowner preference. Alternative 2 is thus submitted to provide an example of a solution that would minimize transfer of land containing USD 113 students, while enfranchising most of the landowners and residents in the transferred area.

2. *Additional key points in favor of transfer*

USD 115's slide presentation for the Bern Hearing submitted in this matter on April 8, 2024 summarizes most of key points in favor of transfer of all or some of the Petitioned Area. *See* USD 115 Public Hearing Document, 2024-PTT-01 (dated March 22, 2024, submitted April 8, 2024). Additionally, USD 115's petition laid out each statutory factor and the facts supporting transfer, and none of those facts have been materially controverted. *See* USD 115 Petition, 2024-PTT-01 (February 15, 2024), Exhibit B, ¶ 28 (discussing effect of transfer on statutory factors). However, based on comments made by district representatives and patrons at the Bern Hearing, it is important to supplement that discussion with three additional points as follows:

- Transfer of the Petitioned Area will not result in landowners in the Petitioned Area being subject to previously passed bond issues, but the increase in capital outlay and local option budget funds for USD 115 as a result of the transfer would supplement the ability of the district to maintain expanded facilities increased USD 115's capacity in August 2024. In other words, USD 115 passed a bond issue to expand capacity and accommodate students in the Petitioned Area, and land transfer would support that investment going forward as part of the overall "general improvement of education" and "equalization of benefits" in the area. *See* K.S.A. 72-532(2), (3), and (4).

- Land transfer of the Petitioned Area would allow USD 115 to take advantage over $120,000 in annual transportation funding for which it is not currently eligible,

while USD 113 would only see a decrease in approximately $50,000 in transportation funding. *See* K.S.A. 72-532(5) (cost of bussing).

- Enfranchising democratic representation for the vast majority of families in the affected area is consistent with the factors in K.S.A. 72-732(d)(8), (10), and (11), as well as constituting a material non-express factor.

3. Comparison to previous State Board approval of Abilene transfer petition

The last time the State Board received a petition for land transfer was in 2000 when USD 435 (Abilene) successfully sought transfer of land from USD 473 (Chapman). *See* Order of the Kansas State Board of Education, File No. 738 (June 14, 2000) ("Abilene Order") attached hereto as **Exhibit B**. A comparison of the material findings in the order approving the transfer to the current matter demonstrates that transfer would be consistent with past precedent and factors:

In the Abilene Order, at the time of transfer, only 25 of the 126 (19.8%) of school age children in the petitioned area attended school in the petitioning/receiving district (Abilene), while 81 of the 126 (64%) school age children still attended the giving district (Chapman). *See* Abilene Order, ¶ 23. In the present matter, 75% of the students in the Petitioned Area attend the receiving district (USD 115) while only 25% of the students attend the giving district. If just 20% of students in the Abilene Order justified transfer in that case, 75% of out-of-district students in the Petitioned Area attending USD 115 overwhelmingly supports transfer. *See* USD 115 Public Hearing Document at 21.

In the Abilene Order, the State Board found that "it appears that student travel time in buses will be significantly reduced for middle and high school students if the transfer is approved." *See* Abilene Order, ¶ 35. In the present matter, 71% of sections in the Petitioned Area are closer and accessible to USD 115 schools over safer roads than to USD 113, while 18% of sections are equal in distance and time to both districts. *See* USD 115 Public Hearing Document at 22. If the Bern city limits area is excluded from the land transfer as a result of the State Board's approval of Alternative 2 (see *supra* Section 1), the number of sections closer to USD 115 is nearly 90%.

In the Abilene Order, 67% of families/households with school-aged children in the petitioned area supported transfer, while 14% opposed transfer. *See* Abilene Order, ¶ 24. In the present matter, 61% of *all* landowners (not just families/households with school aged children) support transfer, while only 16% oppose transfer. *See* USD 115 Public Hearing Document at 23.

4. Arguments regarding public policy issues raised by USD 113 (Prairie Hills)

At the Bern Hearing, USD 113 suggested that allowing land transfer in this instance would encourage other districts to follow suit, especially in the wake of recent changes to state law allowing "open enrollment." However, the land transfer statutes have been in effect since statewide unification in the early 1960s. Land transfer has long been a companion process to school district consolidation and allows the State Board to correct for inequitable situations in order to aid the "general improvement of public schools and the equalization of the benefits and burdens of education throughout the effected communities."

Moreover, seeking land transfer by petition or agreement is a costly and complicated process, as each of the districts involved in this and companion matters have discovered. With discussions dating back to over a decade (including simultaneous conversations regarding land transfer as a possible corrective following the Bern consolidation, the communities within USD 113 and USD 115 have been considering land transfer for years as school enrollment trends and landowner preference have increasingly become disproportionately supportive of transfer. Since the spring of 2023, USD 115 has spent immense resources and time to develop its case for transfer, including: 1) countless hours spent by board of education members, school district administration, and community volunteers in informal and formal negotiation; 2) collection and analysis of extensive data regarding school enrollment trends; 3) facilitation of an extensive landowner surveyor over many months to ensure accurate landowner preference data; 4) statutory mandated mediation paid for by the petitioning district; and 5) extensive legal costs; 6) professional surveyor and mapping costs; and 7) data collection and analysis costs.

The amount of time, effort, and money required to pursue land transfer by petition, even when the data supporting transfer is overwhelming as in this case, is a fundamental deterrent against frivolous or unsupported transfer petitions. There is a reason that there has been a dearth of land transfer petitions filed with the State Board between the approved Abilene transfer in 2000 and the current matter in 2024: the process is onerous, time-consuming, and costly.

Lastly, school district consolidation should not create a "Hotel California" effect—communities can "check in" to a district, but they cannot check out. Constituents and districts considering approval of consolidation facing a *de facto* prohibition on later land transfer, as with the 2010 Bern consolidation, when school district consolidation does not ultimately result in "equalization of the benefits and burdens of education throughout the effected communities" school districts have a statutory right to seek land transfer to correct disproportionate allocation of land. *See* Kansas State Board of Education Land Transfer Guidelines at p. 2, II.1.

USD 113's argument that the State Board should discourage other districts from seeking land transfer by "nipping this in the bud" flies in the face of the rule of law. By way of analogy, arguing that one civil lawsuit will encourage other civil lawsuits would contradict the premise of our legal system: each case should be considered on its own merits pursuant to the laws and applicable factors. The goal of the court system is not to deter meritorious lawsuits—the goal is to adjudicate disputes under the law and administer justice. Similarly, land transfer is a statutory process that all school districts have a right to seek when warranted. A *de facto* denial of land transfer based on a desire to prevent others from seeking equalization of benefits or prevent an increased administrative burden on district and state officials, would functionally "nullify" state statutes designed to ensure the "general improvement of public schools and the equalization of the benefits and burdens of education throughout the effected communities." *See id.* Land transfer laws have existed in Kansas as early as 1963 as part of the Unification Acts, and the State Board should uphold its duty to review meritorious petitions ***solely*** on the applicable facts and factors, and without regard to a desire to minimize due process for other school districts. Doing otherwise would be arbitrary and unreasonable.

Respectfully submitted,

KRIEGSHAUSER NEY LAW GROUP

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ATTORNEYS FOR USD 115 (NEMAHA CENTRAL)

LEGAL DESCRIPTIONS FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS NO.113 AND NO.115.

NEMAHA COUNTY

TRANSFER TRACT 1 (NEW LARGE AREA) (U.S.D. NO.113 TO U.S.D. NO.115)

BEGINNING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M., ALSO BEING THE CORNER OF MARSHALL AND NEMAHA COUNTIES AND THE KANSAS-NEBRASKA STATE LINE; THENCE EAST 16 MILES ALONG THE KANSAS-NEBRASKA STATE LINE TO THE NORTHEAST CORNER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 7 MILES TO THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 2 MILES; THENCE SOUTH 2 ½ MILES; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE SOUTH 1 MILE TO THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST ¾ MILE; THENCE NORTHWESTERLY ALONG THE PUBLIC ROAD TO THE EAST-WEST CENTERLINE OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST TO THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE NORTH ½ MILE; THENCE WEST 1 ¼ MILES; THENCE NORTH 1 ¼ MILES; THENCE WEST ¼ MILE; THENCE SOUTH ¾ MILE; THENCE WEST ¾ MILE TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH 1 MILE; THENCE WEST 1 MILE; THENCE NORTH ½ MILE; THENCE WEST ½ MILE; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE TO THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE; THENCE NORTH ¾ MILE; THENCE EAST 1 MILE; THENCE NORTH ¾ MILE; THENCE WEST 1 ¾ MILES; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE TO THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 12 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE WEST ½ MILE; THENCE NORTH ½ MILE; THENCE WEST ¼ MILE; THENCE NORTH ¼ MILE; THENCE WEST ¼ MILE; THENCE NORTH ¾ MILE TO THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 12 EAST OF THE 6TH P.M.; THENCE WEST 1 MILE; THENCE NORTH 1 MILE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE; THENCE WEST ¼ MILE; THENCE NORTH ½ MILE; THENCE WEST 1 ¼ MILES TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 12 EAST OF THE 6TH P.M.; THENCE SOUTH ½ MILE; THENCE WEST ¾ MILE; THENCE NORTH ¼ MILE; THENCE EAST ¼ MILE; THENCE NORTH ¼ MILE TO THE CENTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE WEST 1 ¼ MILES; THENCE SOUTH ½ MILE; THENCE WEST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE WEST ½ MILE; THENCE SOUTH ¼ MILE TO THE CENTER OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE WEST ½ MILE; THENCE NORTH 1 ¼ MILES; THENCE WEST ½ MILE; THENCE SOUTH ¾ MILE; THENCE WEST ½ MILE; THENCE NORTH 1 MILE TO THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 11 EAST OF THE 6TH P.M.; THENCE EAST ½ MILE; THENCE NORTH ½ MILE TO THE CENTER OF SECTION 4, TOWNSHIP 1 SOUTH,

RANGE 11 EAST OF THE 6TH P.M.; THENCE WEST 2 ½ MILES TO THE MARHSALL AND NEMAHA COUNTY LINE; THENCE NORTH ½ MILE ALONG SAID COUNTY LINE TO THE POINT OF BEGINNING.

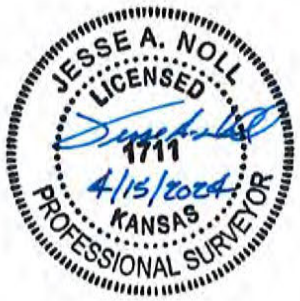
THE ABOVE CONTAINS 69.30 SQUARE MILES, MORE OR LESS.

TRANSFER TRACT 2 (NEW MEDIUM AREA) (U.S.D. NO.113 TO U.S.D. NO.115)

BEGINNING AT THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 4 MILES TO THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST 2 ½ MILES; THENCE NORTH 1 MILE; THENCE WEST 1 MILE; THENCE NORTH 1 ½ MILES TO THE CENTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE EAST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE EAST 1 MILE; THENCE NORTH 1 MILE TO THE NORTHWEST CORNER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 1 MILE; THENCE NORTH 1 MILE; THENCE EAST 1 MILE TO THE POINT OF BEGINNING.

THE ABOVE CONTAINS 9.20 SQUARE MILES, MORE OR LESS.

I, JESSE A. NOLL, PROFESSIONAL SURVEYOR, KANSAS LICENSE #1711, DO HEREBY CERTIFY THAT THE REVISED BOUNDARY DESCRIPTIONS SET FORTH ABOVE ARE TRUE AND CORRECT DESCRIPTIONS OF THE OFFICIAL BOUNDARIES OF THE TRACTS TO BE TRANSFERRED BETWEEN UNIFIED SCHOOL DISTRICT NO. 113 AND UNIFIED SCHOOL DISTRICT NO. 115 IN THE EVENT THE PROPOSED PETITION/AGREEMENT TO TRANSFER TERRITORY FROM UNIFIED SCHOOL DISTRICT NO. 113 TO UNIFIED SCHOOL DISTRICT NO. 115 IS APPROVED BY THE STATE BOARD OF EDUCATION.



LEGAL DESCRIPTIONS FOR DISTRICT BOUNDARY MODIFICATION BETWEEN UNIFIED SCHOOL DISTRICTS NO.113 AND NO.115.

NEMAHA COUNTY

TRANSFER TRACT 1 (NEW LARGE AREA) (U.S.D. NO.113 TO U.S.D. NO.115)

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EXCEPT THE FOLLOWING

BEGINNING AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 13 EAST OF THE 6TH P.M., SAID POINT ALSO BEING ON THE KANSAS-NEBRASKA STATE LINE; THENCE SOUTH 3 MILES TO THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 1

SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 2 MILES TO THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE NORTH 3 MILES TO THE NORTHEAST CORNER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 13 EAST OF THE 6TH P.M., SAID POINT ALSO BEING ON THE KANSAS-NEBRASKA STATE LINE; THENCE WEST 2 MILES ALONG SAID KANSAS-NEBRASKA STATE LINE TO THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 13 EAST OF THE 6TH P.M. AND THE POINT OF BEGINNING.

THE ABOVE CONTAINS 63.30 SQUARE MILES, MORE OR LESS.

TRANSFER TRACT 2 (NEW MEDIUM AREA) (U.S.D. NO.113 TO U.S.D. NO.115)

BEGINNING AT THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE SOUTH 4 MILES TO THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE WEST 2 ½ MILES; THENCE NORTH 1 MILE; THENCE WEST 1 MILE; THENCE NORTH 1 ½ MILES TO THE CENTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE EAST ¼ MILE; THENCE SOUTH ¼ MILE; THENCE EAST 1 MILE; THENCE NORTH 1 MILE TO THE NORTHWEST CORNER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 13 EAST OF THE 6TH P.M.; THENCE EAST 1 MILE; THENCE NORTH 1 MILE; THENCE EAST 1 MILE TO THE POINT OF BEGINNING.

THE ABOVE CONTAINS 9.20 SQUARE MILES, MORE OR LESS.

I, JESSE A. NOLL, PROFESSIONAL SURVEYOR, KANSAS LICENSE #1711, DO HEREBY CERTIFY THAT THE REVISED BOUNDARY DESCRIPTIONS SET FORTH ABOVE ARE TRUE AND CORRECT DESCRIPTIONS OF THE OFFICIAL BOUNDARIES OF THE TRACTS TO BE TRANSFERRED BETWEEN UNIFIED SCHOOL DISTRICT NO. 113 AND UNIFIED SCHOOL DISTRICT NO. 115 IN THE EVENT THE PROPOSED PETITION/AGREEMENT TO TRANSFER TERRITORY FROM UNIFIED SCHOOL DISTRICT NO. 113 TO UNIFIED SCHOOL DISTRICT NO. 115 IS APPROVED BY THE STATE BOARD OF EDUCATION.

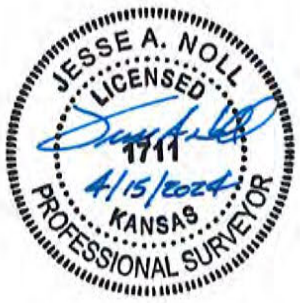


EXHIBIT B

BEFORE THE KANSAS STATE BOARD OF EDUCATION

Kansas State Education Building
120 Southeast Tenth Avenue
Topeka, Kansas 66612-1182

In the Matter of the Petition to Transfer Territory from U.S.D. No. 473 (Chapman) to U.S.D. No. 435 (Abilene).	File No. 738

ORDER OF
THE KANSAS STATE BOARD OF EDUCATION

Introduction

The Board of Education of U.S.D. No. 435 (Abilene), Dickinson County, Kansas, has filed a petition with the State Board of Education pursuant to K.S.A. 72-7108 requesting the State Board to transfer approximately 84.5 square miles of land from U.S.D. No. 473 (Chapman), Dickinson County, Kansas, to U.S.D. No. 435.

A public hearing was held on Monday, April 24, 2000, at 9:30 a.m., at the Chapman High School Auditorium, 400 W. 4th, Chapman, Kansas. Notice of the public hearing was published on April 10 and April 17, 2000 in the Abilene Reflector Chronicle, the newspaper of general circulation in U.S.D. No. 473 (Chapman). Ms. Debra Egli James, Attorney for U.S.D. No. 435 (Abilene) made the presentation on behalf of the Board of Education of U.S.D. No. 435 in support of the petition to transfer territory. The following officials made presentations on behalf of U.S.D. No. 473 (Chapman) in opposition to the petition to transfer territory: Mr. Tony Frieze, Superintendent; Mr. Ken Wood, Board President; Ms. Carla Dill, Board Member; and Ms. Donna Davis, Administrative Assistant. In addition, Mr. Arvid V. Jacobson, Attorney for Abilene and Mr. Doug Lindahl, Board Member, made rebuttal comments on behalf of U.S.D. No. 473 (Chapman). Twenty five patrons made presentations in favor of, or opposed to, the proposed transfer of territory. Of those persons attending the public hearing, 124 signed the attendance rosters.

The documents listed below, in addition to other miscellaneous correspondence, were on file in the Office of General Counsel of the Kansas State Department of Education and were available for inspection prior to the Board's consideration of this

matter:

1. Petition to Transfer Territory filed by U.S.D. No. 435 (Abilene) with supporting exhibits and documents;

2. Written presentation of U.S.D. No. 435 (Abilene) in support of the transfer of territory with exhibits and supporting documents;

3. Written presentation of U.S.D. No. 473 (Chapman) in opposition to the transfer of territory with exhibits and supporting documents;

4. Written presentations of 19 patrons in favor of, or opposed to, the proposed transfer of territory; and

5. Report of Hearing Officer, with attachments, File No. 738, prepared by Hearing Officer Kevin Ireland, recommending the State Board deny the requested territory transfer.

FINDINGS OF FACT

After examining the file, hearing the presentation of the hearing officer at the State Board's June meeting, and being otherwise duly advised in the premises, the State Board finds as follows:

1. The Board of Education of U.S.D. No. 435 ("Abilene") filed on February 11, 2000, a petition requesting a land transfer of approximately 84.5 square miles, as more particularly described in the petition, from U.S.D. No. 473 ("Chapman") to the Abilene school district.

2. If approved, the proposed transfer will reduce Chapman's total area by almost 15%, from 574.2 square miles to 489.7 square miles. Abilene's total area will more than double, from 77.3 square miles to 161.8 square miles.

3. A map of the territory proposed to be transferred is attached as Appendix A to the hearing officer's report and incorporated here by reference.

4. The information submitted with the petition indicates the assessed valuation of the territory petitioned to be transferred from Chapman to Abilene is $3,965,442, which is approximately 10% of Chapman's total assessed valuation.

5. The 84.5 square mile transfer area is located in the northwest corner of the Chapman school district. It represents approximately 15% of the district's total area.

6. A comparison of the total enrollment, assessed valuation and tax levy of the Abilene and Chapman school districts is attached as Appendix B to the hearing officer's report and incorporated here by reference.

7. Faced with a declining enrollment and budget, the Chapman Board of Education has had to address cuts in its spending. During the past two years, the Board actively sought recommendations from numerous study groups, site councils, committees and an outside consultant, Dr. Kent Stewart, Kansas State University.

8. The Chapman Board of Education approved a plan in November 1999 to close Talmage Elementary School at the end of the 1999-2000 school year.

9. It is clear that the motivation for seeking this land transfer is directly related to the decision to close Talmage Elementary School.

10. It appears the decision to close Talmage Elementary School was carefully considered by the Chapman Board of Education and included consideration of several sources of information and independent recommendations.

11. Talmage Elementary School is one of two elementary attendance centers serving students in the northern part of the Chapman school district. The second attendance center is Blue Ridge Elementary School.

12. Talmage and Blue Ridge elementary schools, together, serve approximately 100 students in grades K-6. The two schools are located approximately 8.5 miles apart.

13. Students living in the petitioned area currently attend grades K-3 at the Blue Ridge Elementary School. Students in grades 4-6 attend Talmage Elementary School. Students in grades 7-12 attend either Chapman Middle School or Chapman High School, both located in Chapman.

14. Closing Talmage Elementary School will result in moving the 4th and 5th grades to the Blue Ridge Elementary School, which will become a K-5 attendance center. The 6th grade will be moved from Talmage to Chapman Middle School.

15. The Blue Ridge Elementary School building is newer than the Talmage school, and is more centrally located in the northern part of the Chapman school district.

16. Blue Ridge Elementary School is approximately 8.5 miles from Talmage. Abilene is approximately 10 miles from Talmage.

17. The plan to close Talmage Elementary School basically consolidates two elementary schools into one attendance center at Blue Ridge for the purpose of serving

the K-5 students living in the northern part of the Chapman school district.

18. The plan to close Talmage Elementary School will result in the 6th graders traveling to the middle school in Chapman one year earlier than in the past.

19. The children in grades 7-12 who live in the petitioned area will not be directly affected by closing the Talmage school. These children will continue to attend the middle or high school in Chapman as children have done for the past 34 years.

20. Following the decision of the Chapman Board of Education to close Talmage Elementary School, parents in the Talmage area surveyed residents and nonresident landowners in the petitioned area concerning their preferences regarding a potential transfer to the Abilene school district. Hearing data forms provided by KSDE were used to gather the information. The forms were generally completed in November and December 1999.

21. Based upon the survey results provided with the petition to transfer territory, it appears 70 families with 126 school-age children live in the petitioned area.

22. It appears that 81 of the 126 school-age children in the petitioned area currently attend schools in the Chapman school district. Twenty-five children currently attend schools in Abilene. The remainder attend schools in the Solomon school district, private schools or are home-schooled.

23. The Abilene Board of Education indicates that approximately one-half of the 81 students who currently attend schools in the Chapman school district will be in middle or high school during the upcoming school year. The Abilene Board anticipates the majority of these students will elect to attend the middle or high school in Chapman even if the transfer is approved. Assuming these projections to be accurate, it still appears the Chapman school district could lose 40 or more students (primarily elementary) who currently attend schools in the district if the transfer of territory is approved.

24. Of the 70 families (households) with school-age children in the petitioned area, it appears from the survey results submitted with the petition that 47 families approve of the transfer, 10 are opposed and 1 family is divided on the issue. The remaining 13 families either indicated no preference or did not respond.

25. After reviewing the survey results compiled by the Talmage area group, the Chapman Board of Education conducted its own survey of parents and landowners in the petitioned area beginning in January 2000.

26. The Chapman Board of Education designed its own survey instruments and included additional information comparing the Abilene and Chapman school districts. Although the survey instruments did not include a "no preference" response,

the survey instruments are not misleading and the additional information comparing the two school districts is factually accurate.

27. The survey results submitted by the respective school districts are illustrated by Appendices C and D to the hearing officer's report, stand in sharp contrast to each other, and are not easily comparable.

28. The survey completed by the Abilene/Talmage group counts persons, while the Chapman survey counts households. In addition, some persons/households surveyed by the Talmage group were not surveyed by Chapman and visa versa.

29. Based upon the Chapman survey results, it appears that at least 12 families (households) with children who had previously indicated on the Talmage survey that they approved the transfer, or had no preference (or did not respond), have now determined they prefer to remain in the Chapman school district.

30. The Chapman survey of parents with children and landowners in the petitioned area indicates that, at a minimum, given more time and additional information, some parents and landowners have changed their minds regarding the proposed transfer.

31. While the exact percentages or number of persons or households in favor of, or opposed to, the transfer is not easily discernible from the conflicting survey results, it remains clear that a majority of the parents and landowners in the petitioned area favor the transfer.

32. K.S.A. 72-8213 governs the closing of school buildings and provides a procedure by which patrons can file a petition to challenge the decision of a local board of education to close a school building. No petition was filed in response to the decision to close Talmage Elementary School.

33. The Abilene Board of Education has determined that, even if the transfer is approved, it will not be able to keep the Talmage Elementary School open.

34. The boundaries of the Abilene and Chapman school districts have remained basically unchanged since unification 34 years ago.

35. Although the respective parties disputed the calculations and numbers, it appears that student travel time in buses will be significantly reduced for middle and high school students if the transfer is approved.

CONCLUSIONS

1. The transfer of territory from one school district to another is a legislative function that has been delegated to the State Board of Education pursuant to K.S.A. 72-7108. [See *State ex rel. v. State Board of Education*, 215 Kan. 551 (1974).]

2. The establishment and maintenance of school district boundaries are an important legislative function. School district boundaries provide stability and assist in the long-range planning necessary to maintain the local public school systems of this state.

3. A clear presumption exists in favor of maintaining school district boundary lines. But this presumption is rebuttable since the transfer of territory statute was enacted, amended and ultimately retained by the legislature to accommodate changed circumstances.

4. While circumstances obviously do change over time, a material change in circumstances of a substantial and weighty nature must exist to justify taking territory by petition from one district and giving it to another. [See the State Board's Guidelines For Land Transfers, which are incorporated here.]

5. Although much disputed information has been presented in this case, the threshold issue is straightforward: What material change, if any, has occurred to justify this transfer of territory? State Board guidelines provide that one example of a material change is "a recent school closing which makes it more practical for students to attend school in an adjoining district." Accordingly, if we determine it is more practical for students to attend school in Abilene rather than Chapman as a result of the closing of Talmage Elementary School, a material change exists and the transfer is justified.

6. The State Board finds the closing of Talmage Elementary School, taken in context with the existing boundaries of these two districts compared with what would be the new boundaries, will make it more practical for students to attend school in Abilene if the transfer is approved. Obviously, a majority of the families affected by this transfer also believe so.

7. The State Board recognizes that Blue Ridge Elementary School is slightly closer to Talmage than Talmage is to Abilene, but it appears from admittedly disputed evidence that student travel time in buses for middle and high school students will be significantly reduced if the transfer is approved.

8. In addition, the territory proposed to be transferred is geographically closer to Abilene than to Chapman, and is contiguous to the boundaries of U.S.D. 435. The proposed territory lies about 10 miles to the north and west of existing U.S.D. 435 attendance centers and between 23 and 28 miles of Chapman. The State Board agrees

that the persons living in the petitioned territory would appear to have a more natural connection to the Abilene community, based on the present boundary configuration of the two districts. The State Board notes that 25 of the 126 school-age children in the affected area currently attend schools in Abilene. The State Board believes that the ties between school and community are significant factors in education, which will be promoted by approval of the transfer.

9. The decision of the Chapman Board of Education to close Talmage Elementary School and its resulting consequences represent a material change in circumstances of a substantial and weighty nature that justify transferring the petitioned area to the Abilene school district.

ORDER

For the foregoing reasons, the State Board of Education approves the petition filed by the Abilene Board of Education, U.S.D. No. 435, requesting the State Board to transfer territory from the Chapman school district, U.S.D. No. 473. This Order will be effective on July 1, 2000, for pupil attendance and election purposes, and for purposes of determining tax liability for bonds and other indebtedness incurred pursuant to K.S.A. 10-119.

It is further ordered that the territory transferred herein shall be liable for bonds issued and other indebtedness incurred by receiving district as of July 1, 2000. The territory transferred shall continue to be liable for bonds issued and other indebtedness incurred by the giving district prior to July 1, 2000.

It is further ordered that the territory transferred herein shall be subject to taxes levied, except for bonds and other indebtedness incurred prior to July 1, 2000, by the receiving district as of December 31, 2000.

This Order is made and entered this 14th day of June, 2000, at Topeka, Shawnee, County, Kansas.

KANSAS STATE BOARD OF EDUCATION

By: Harold L Voth

Harold L. Voth
Chair
State Board of Education
120 S.E. Tenth Avenue
Topeka, Kansas 66612-1182

Cheryl D. Austin

From: Haverkamp, Megan [redacted]
Sent: Monday, April 15, 2024 9:08 PM
To: 113landtransfer
Subject: 113 Land Transfer
Attachments: USD113 Land Transfer.docx

Please find my attached letter in favor of transferring land from USD 113 to USD 115. I live on the west side of Bern and have 2 young girls that I wish to go to Nemaha Central when they reach school age. This decision is very important to me as it has a direct impact on my family.

Regards,
Megan Haverkamp
[redacted]

adm.com

Confidentiality Notice:
This message may contain confidential or privileged information, or information that is otherwise exempt from disclosure. If you are not the intended recipient, you should promptly delete it and should not disclose, copy or distribute it to others.

To whom it may concern,

My name is Megan Haverkamp and I currently live in the Bern area that is in questions for the land transfer from USD113 to USD115. This has a direct impact on me as I have two young girls who will soon be of school age. I am in favor of transferring the Bern area land from Sabetha to Nemaha Central. Below I have listed several reasons why I believe this is the right thing to do for my family and for other families that are in the Bern area.

1. Geographic Location
   We are located to the west of Bern. It takes us around 15 minutes to get to the schools in Seneca and twice as long to get to the schools in Sabetha. I also work in Sabetha so I know the length of this drive well.
2. Travel Safety
   Another big area of concern for me as a parent are the roads in which my children would have to travel to reach school safely. To get to the schools in Seneca, my children would be traveling on state highways. These roads are treated and plowed during adverse weather conditions. To get to the schools in Sabetha, travel would take place on a county blacktop that is not treated or plowed in adverse weather conditions. Since I started work in Sabetha, I have taken this particular county road to work during adverse weather very few times. Instead I have traveled into Seneca and then taken 36 over to Sabetha as I felt safer driving that way. If I don't feel comfortable driving the county road when I am by myself, I absolutely would not choose to have my children travel on that road to school by a bus, which has no seatbelts or airbags like my personal vehicle has.
3. Community
   Our community is Seneca. We shop in Seneca. We dine in Seneca. All of our doctors are in Seneca. Our family is in Seneca. I am much more comfortable with my children attending Nemaha Central schools because of this. If something were to happen to one of my children, ALL of my family would be able to get to them quickly. They are also close to their doctors and a facility that has their medical background on file in case of an emergency.
4. Representation
   Since the closure of the Bern schools, there has been very little representation on the school board for the children and their families. It should be very apparent from recent elections that families in the Bern area will likely never have someone to represent them that actually resides in Bern. Due to the manner in which the board elections are set up, every patron in the district can vote for each seat, regardless of whether they live in the area that position is supposed to represent. If I ever wanted to run for school board, the likelihood of me being able to do that is slim. The Sabetha population is large enough to always vote in a board member that resides in Sabetha versus other areas.
5. Unfulfilled Promises
   I did not attend the Bern schools as I grew up in Wichita and moved to the area once I got married. However, I believe there is an unfulfilled promise to those who live in the Bern area from when the school was closed. During the closure of the Bern school, patrons were told they would allow the land to follow where the students attend. This has yet to happen. With the majority of kids who live in the Bern school area consistently attending Nemaha Central the data speaks for itself. Families in Bern have demonstrated over the last 12 years that their desire to

be in a different district and this has not wavered. Its time that the Sabetha school district does right by these children and their families.

At the end of the day, the land transfer is about what is right for the Bern area kids and their families. I have outlined several important issues that I feel are pertinent in transferring the area in and around Bern from USD113 to USD115. For a majority of Bern area families their children or grandchildren desire to attend Nemaha Central schools. Again, our COMMUNITY is Seneca. I wish for my children to attend Nemaha Central as soon as they reach the school age. I just hope that happens as I believe it is what is best for my girls and my family.

Sincerely,
Megan Haverkamp

April 6, 2024

Kent P Saylor

[redacted]

Mr. Scott Gordon
KSDE Office of General Counsel
900 SW Jackson St
Topeka, Ks 66612
Email: 113landtransfer@ksde.org

Re: Observations from the USD113 and USD115 Bern, Ks public meeting and an idea

Dear Mr. Gordon:

First, I want to compliment you on how you organized and managed the recent Bern, Ks. public meeting. I thought your opening comments were extremely helpful in setting the "tone" of the meeting, which helped keep all presentations and comments civil.

Second, based on my law degree background, the Kansas State Board of Education has little flexibility for arriving at a decision regarding the USD115 petition. On its face as well as facts presented, the petition should be denied. I fully understand the emotions, equity, and other personal appeal arguments, but those items are not elements included in the law. I also have reservations about some of the dollar numbers presented by USD115, e.g., USD113 made over $10,000,000 the last 10-12 years by closing Bern, especially in light of the other statements that the proposed petition transfer would "only" effect the USD113 by just over $100,000 per year? I cannot reconcile these two numbers. One way the number is $10,000,000 over the last 12 years; the other way going forward the revenue lost number is only $100,000 per year (over 12 years the cost number is only $1,200,000)? Finally, nothing was mentioned about the per student paid by the State aid annually to USD115 when displaying the $10,000,000 figure USD113 "got" or USD115 "lost" at the top of the final USD115 screen displayed during its final rebuttable presentation.

On the separate attached pages marked Appendix I have raised the possibility of a comment or other similar action by the State Board after a denial of the petition. If the State Board was so inclined, indicate in a comment how the State Board believes the two districts should resolve the issues, NOT BY PETITION but by negotiations at the District and patron level.

Sincerely,

Kent P Saylor

Kent P Saylor

USD113 Patron and former Board Member

APPENDIX

Here is a suggestion I would like the Kansas State Board to consider: If the petition is denied, would or could the Kansas State Board of Education offer an advisory opinion? Basically, both School Boards should come together and resolve the issues at the local level (NOT at State mediation or State Board level). I do not think the parties are that far apart in many respects. I know there are people in both districts that do not want a straight line. By the two School Boards working with patrons, including meetings one on one with patrons, lines could be drawn. The lines do not particularly need to be all straight section lines but by meeting with patrons in each section, lines could be drawn much closer to what everyone could live with and may include splitting a section of land. This is not any different than what most school district lines look like now. Then an agreed line resolution could be submitted to the State Board for approval. This is a much better approach than just drawing a straight line of "demarcation" as proposed in the USD115 petition.

USD113 wanted to start such a conversation using an initial committee approach. I personally made trips to Wetmore to meet with Wetmore patrons when I was on the Board, which was part of my responsibility as a member at large. I know there are 3rd parties from Wetmore who have set a goal to "hurt" USD113 ("we want USD 113 to pay for closing Wetmore") including some Wetmore based USD115 case presenters at the public meeting. I personally know there was more to the closing story, but that is water under the bridge now. The negative approach by USD115 and use of Wetmore based consultants has helped create an acrimonious atmosphere. It also, appears this helped cause USD 115 Board, so to speak locked up. The sole purpose of the USD113 committee approach was: the parties should sit down and determine what information was needed including patron surveys and then hold open patron meetings after a framework was established. Then by using map layouts and other data, the Boards figure out new proposed district lines (and again not all particularly straight lines) based upon patrons' comments (and\or even agreement).

One quick example, the "O" road situation mentioned during the meeting. This is what I personally gleaned when I was meeting with Bern Patrons. It was agreed that a straight line from the Nebraska border down to US highway 36 looked reasonable with a jog in the line east or west going south of US 36, with one exception. Using this same example, everyone thought it was reasonable for the O road "line" to include a jog around City of Bern following the Bern city limits line so Bern was fully included in USD115, rather than split Bern. A "P" road option was a line set too far to the east.

The best approach is taking a one-on-one meeting using a map approach with individuals involved (not just by sections but by where they live and how much property is involved and where located) including one board member from each district meeting together with patrons. I believe this would accomplish a lot and produce the best possible agreement of the parties. For example, rather than trying to use the petition fixed straight line approach, a one-on-one map approach would most likely produce some "split" sections in some cases, but if most everyone agrees, so be it. This is not the approach the law would particularly allow if the

State Board was involved in making the decision but it would be more practical approach based upon each patrons' direct input.

Recap: under the law I believe the petition should be denied BUT I think some type of advisory message from the KS St Bd of ED to the two district boards to "sit down and work this out" would be helpful. Petition denial may even, so to speak, "force" the two districts to meet and reach an agreement rather than go through the petition process 2 years later. Neither boards needs litigation or mitigation, only common sense, and it seems a little nudge from the State Board may help both parties reach agreement.

Kansas State Department Board of Education

March 23, 2024

900 SW Jackson Street

Topeka, Kansas 66612

Honorable Scott Gordan and Members of the State Board of Education,

After having attended the USD 115's Petition Hearing on Friday, March 22, 2024, I feel compelled to note some fallacies that exist within USD 113's responses.

- When persons present were asked to stand if they had a child or grandchild/ren attending USD 115 at the present time, then those who had children or grandchildren attending USD 113, the overwhelming majority attended USD 115. (Approximately 50-60 persons to **3** people.) I noticed that **one person standing,** who said he had a child attending USD 113, actually lives in **Seneca** and **does NOT** have a child who is old enough to be attending either school.

- When Mr. Evans was asked how many school board members live within the disputed area, his response was two. That is NOT correct! Bern does NOT have a representative! One of the board members has a Sabetha address and the other has an Axtell address. As mentioned at the March 22nd meeting, Bern has no voice because neither school board member has ever reached out to Bern patrons. If fact, Lesley Scoby and Kathy Lippert have led the charge to quiet Bern patrons and are staunch supporters of Sabetha only; NOT the entire school district.

- I found it interesting that there were people from Fairview, Axtell, and Beattie who were opposed to the Petition, but not one person with a Bern address, nor former Bern patron, spoke in opposition to it. Obviously, USD 113 has done a great job of brainwashing people from other towns, while only a very small handful of Bern patrons and/or alumni have fallen for their rhetoric.

- At 4:27 PM on March 22, 2024, at the Petition Hearing, Mr. Evans stated that the Petition is "about money." For Bern patrons, it is NOT about the money. We just want to be able to exercise our constitutional right to vote and have a say in the decisions that are of concern to us and our children within the school district that is educating our children. In a recently published *Sabetha Herald*, Mr. Evans conceded that "if the State Board of Education approves USD 115's petition, Prairie Hills will not experience a large loss of enrollment and will experience only short-term financial fluctuations. There will be NO serious financial detriment for USD 113, if the Petition is approved.

- Several opponents stated that USD 115 "recruited" Bern families. That is so far from the truth that it's ridiculous! As mentioned in USD 115's presentation, the considerations centered around distance from the learning center, family dynamics, religious preferences, parents' employment locations, and personal preferences regarding shopping and commerce opportunities. No one was "recruited".

- It appears to me that a double standard exists with the USD 113 school board. They mediated with USD 335 (Jackson Heights) and with USD 380 (Vermillion) and came to an agreement. In the March 20, 2024, *Sabetha Herald*, Mr. Evans stated that there was no trade with USD 380 "because the majority of students from that area are going to school there." Yet, even though the majority of Bern students are going to USD 115, USD 113 is not willing to allow those families to transfer land, and only want to agree to "a trade". The land they are wanting to trade has a USD 115 school board member living within the area, but, more importantly, has an oil pipeline that goes through the location and is extremely profitable for the district. Is their true interest really in the students or is the motivation generated by the money they can grab? The latter appears to be the situation.

- Several opponents were concerned about "opening Pandora's Box". To my way of thinking, USD ~~113 has already~~ opened that box! They set a precedence when they transferred land to USD 335 and USD 380. (That goes back to the double standard that exists.)

Thank you for your time and effort concerning this delicate situation.

Sincerely,

Karen Mosteller

Karen Mosteller

Letter of Support for USD113

KSDE Office of General Counsel
Scott Gordon
900 SW Jackson St.
Topeka, KS 66612
113landtransfer@ksde.org

Dear Mr. Gordon,

This letter is regarding the land petition filed against USD113. I support USD113's request to dismiss the petition and ask the Kansas State Department of Education not to force the transfer of any land to USD115 for the reasons listed below.

- There has not been a material change in circumstances of a substantial and weighty measure, such as a recent school closing. Both USD113 and USD115 have routinely accepted out of district students as standard practice for years. This includes accepting USD113 students from the Bern campus when it closed in 2012 and accepting USD115 students at the Axtell campus when Nemaha Central closed their Baileyville attendance center in 2014. With the passage of HB2567 and its effective date for the 2024-2025 school year, the state legislature has made it clear land valuation does not follow student enrollment and attendance.

- In the petition, USD115 answered most resident families with and without school- age children and most nonresident landowners wish their land value transferred. The petition was filed prior to the February 15th deadline but the land surveys required by the KSDE guidelines were not completed prior to the file date. In fact, calls were still being made to landowners well into March. USD115 also answered there is no land in question on which there are no resident families. This is incorrect.

- The petition seeks to transfer territory that is the subject of previously agreed upon transfer to USD380. This creates a conflict that requires disqualification of counsel who represents both USD115 and USD380. This counsel also represented USD335 in addition to USD115 and USD380 during the mandated mediation process and was aware of all mediation agreements prior to the filing of the land transfer petition for USD115.

- Despite the petitioner's argument that this issue is "not about the money" but rather ensuring board representation and voting rights of families who send students out of district, their actions have contradicted this. USD113 not only offered a value-neutral land transfer but this transfer would have allowed USD115 student families who attend the USD113 Axtell campus to also have representation in their district of attendance. Instead, USD115 counter-offered by not offering that same benefit to those families but also included over 20 USD113 students that would be displaced out of district if the petition is approved. This does demand does not consider the long-term effect a transfer would have on all students living in the petitioned area, as required by guidelines.

While this list of reasons is substantial, it is not inclusive of all rationale supporting my opinion the land-transfer petition must be dismissed. Thank you for your time and consideration.

Margaret Hundley

Margaret Hundley
4-1-24

Kansas State Department Board of Education

March 9, 2024

900 SW Jackson Street

Topeka, Kansas 66612

Honorable Members of the State Board of Education,

I am writing today to ask consideration for the transfer of my land from Prairie Hills USD 113 school district (Sabetha) into Nemaha Central USD 115 school district (Seneca). This request has nothing to do with animosity toward Sabetha (USD 113). The issue is that I have felt enslaved to "Sabetha" over the past twelve (12) years since I have been taxes to a school district that has not been educating my grandchildren. I know it was my family's choice to attend school in Seneca when the Bern School was closed, but for them it made the most sense. They live nine (9) miles from Seneca and nineteen (19) miles from Sabetha. My son and daughter-in-law both work in Seneca, and it is their "go to" town for groceries and other supplies.

We have been unable to be fully involved within the USD 115 school system, however. We were not allowed to vote "Yes" for the expansion of the school facility. We have no say in who will be elected to the school board; nor was my son able to run for a school board position at USD 115, so he could have a voice in the decisions at his family's school. Instead, he had to run for a school board position on the USD 113 school board, knowing full well he would not be elected because the election process used by the USD 113 district assures that only Sabetha people will be elected to six of the seven positions.

Over the past twelve-plus (12+) years Bern has experienced numerous **failed** promises from USD 113. At the time of consolidation, we were told that Bern would have five (5) years to prove we were a viable school. We got two (2) years before we were closed. We were given benchmarks that we were to attain in order to prove our viability. We met those benchmarks, but the school was closed. During several meetings during consolidation talks and school closing meetings, we were told that the land could follow the students. That has **not** happened, even though over seventy (70) Bern students have **annually** attended USD 115. After the closure of the Bern School several attempts were made to initiate dialog with USD 113 school board regarding the transfer of land, but our requests were stonewalled by the school board.

Recently, I have heard some of my neighbors saying that the geographic dynamics of Bern are changing. I agree totally. When the Bern School closed twelve (12) years ago, there were over thirty (30) students who chose to go to Sabetha that first year. My understanding is that this year there were only nineteen (19) from Bern who chose Sabetha. Yes, the dynamics are changing, but a person has to wonder if it is in Sabetha's favor.

I am **not** asking for a land transfer because of a dislike for Sabetha, or because of a long-standing sports rivalry. I am simply asking for a change so my family can be fully involved within OUR school system. History has proved that not everyone agrees with the former Sabetha superintendent when he said, "Everyone wants to be a Sabetha Blue Jay." Those families who have chosen to go to Seneca are not going to change their minds. Twelve years of history have proven that. We would like very much to support OUR school with our taxes and our total involvement, with the ability to vote on issues that are

a concern to us and our children. Simply put, we want OUT of having to pay taxes to a school district where we have no allegiance.

Surely, using all the collected data and overwhelming evidence, an equitable line can be drawn to reflect the desires of the major of land owners in and around Bern. It does NOT have to be an "All or nothing" proposition. This nation was built on the foundation of compromise. Have we now lost that ability? I have been told that Mr. Evans and several Sabetha school board members admit that property taxes make up "very little of the school budget". If that be the case, what is the bigger issue? Is it simply greed, losing control over other people, or inability to have compassion and understanding of others? Recently I read in the *Sabetha Herald* that Mr. Evans realizes that "if the State Board of Education approves USD 115's petition, Prairie Hills will not experience a large loss of enrollment and will experience only **short-term** financial fluctuations."

Thank you for your time and effort to resolve this "long overdue" injustice.

Sincerely yours,

Karen Mosteller

Karen Mosteller

March 31, 2024

Re: USD 115 Land transfer petition request

Dear Chairman Hass and Board Members:

I am a farmer who lives and owns land in Brown County. We also own land in Jefferson County. I reside with my wife near Morrill, and I attended and graduated from Sabetha High School. As I reside in Brown County but also own land in Jefferson County, I am no stranger to paying real estate taxes on land where I have no representation in terms of voting. I am not always happy about this circumstance, but I accept it as there is no practical alternative.

I have been following with some interest the discussion regarding the recent petition filed to your board by the USD 115 board requesting the transfer of land from USD 113, specifically the land which was in the former Bern school district. I have reviewed the petition, which is available online. What struck me most were again and again the qualifiers "the vast majority", "many", "most", and "nearly all" being used to bolster various points on the petition. This information appears to have been supplied by a phone survey which was informally and unscientifically carried out. What's more, it was apparently conducted by several individuals who have been sharpening their knives against the USD 113 Board since that board decided to close the Wetmore attendance center due to declining enrollment. It is not my intention to denigrate the character of these individuals, but their actions do have the appearance of someone acting out of vengeance towards a specific school board rather than someone acting on behalf the welfare of any of the students concerned. I say this simply because I can find no other reason beyond vengeance to explain why individuals from the Wetmore area would be working so hard on an issue which does not directly concern them.

I believe the current and former boards of USD 113 have dealt in good faith and have done the best they could under the circumstances, keeping the needs of the district's students foremost in mind. I do believe there is a tendency for individuals to "hear what they want to hear" and I think this applies specifically to a few patrons of the former Bern school district who have referred to statements they believe were made at the time they voted to consolidate with Sabetha and form USD 113. The vote to consolidate with Sabetha was overwhelming--somewhere in the 80 percent range if I recall correctly--and I fail to see the wisdom in now going back and raking some long dead coals based on false recollections of promises that were never made.

Regarding the petition itself, I find the timing of its filing curious since the consolidation of the Bern and Sabetha districts occurred more than ten years ago. If the enrollment increase they claim as a result was so burdensome and the tax collection based on where the school district boundary was so blatantly unfair, why did it take them more than ten years to file? As I have watched events play out, I can't help but come to the conclusion that it is nothing less than a bald faced land grab on the part of the USD 115 board. This board smelled blood in the water when the USD 113 board decided to transfer some land out of its district and to surrounding districts following the closure of the Wetmore attendance center. This land transfer was done voluntarily on the part of the USD 113 board because they felt it was in the best interest of the students living in the areas transferred. I do not believe the USD 115 board's

primary motivation here is the welfare of the students living in the area. I came to this conclusion by the board's own admission that its main interest is in the additional tax money they will receive if the land is transferred from USD 113 to USD 115. The USD 115 board has been encouraged and abetted in this effort by a small but zealous group of individuals who, when unable to keep the Wetmore attendance center open, let the understandable remorse of a town losing its school fester into the much darker and more dangerous emotion of vengeance.

Wetmore's situation is far from unique. As you are well aware, most rural areas of Kansas are seeing a continuing population decline, and this has led to the closure and consolidation of schools all across the state. People who are unhappy with how the school district lines have been drawn as a result of this are watching your actions on this petition with a close eye. Approving the land transfer from USD 113 to USD 115 will open a floodgate.

It is my fervent wish that you will decide to dismiss the petition to transfer land from USD 113 to USD 115. But whatever you decide, from the perspective of my nearly sixty years, I can say with certainty that this too shall pass. I can also say with certainty that if those who desire vengeance are victorious, they will find no joy in their victory. It will not reopen the Wetmore schools. All that has really been accomplished is to turn neighbor against neighbor, town against town. And at the end of the day, money that should have been used to educate students has instead gone to pay attorneys while students will continue to attend the school of their choice regardless of whether they live in that school's district.

Respectfully Yours,

Harland J. Schuster

Harland J Schuster

[redacted]

Myra Hartter
[redacted]

April 1, 2024

Kansas State Department of Education
Office of General Counsel
900 SW Jackson Street
Topeka, KS 66612

To Whom It May Concern,

Subject: USD 115 Petition Filed with KSDE to Transfer USD 113 Land

My husband and I reside in the Hiawatha USD 415 school district. Our home is 14.1 miles from Hiawatha schools and 4.8 miles from Sabetha schools. We have chosen Sabetha schools to educate our five children all the while paying thousands of tax dollars to the Hiawatha district. The school district boundaries set 60+ years ago don't make sense to us or to any of our neighbors, yet we still pay those taxes because a boundary is simply a line. We live on the other side of the line, and we were well aware of that when we built our home out-of-district.

At the recent public hearing in Bern, we listened to all perspectives of this petition to move district boundaries. USD 115 assured KSDE hearing officer Scott Gordon that this petition was about the "best interest of students" and representation – definitely not about money. But discussion kept returning to the financial piece of this decision. Whether the petition is accepted or dismissed, students will remain unaffected, continuing to receive the same quality education they currently have. I believe this land grab is unnecessary and uncalled for. I understand USD 115's desire to collect more tax dollars. I understand Bern residents' desires to lower their own local property taxes, but accepting this petition is only at the expense of Kansas taxpayers statewide. USD 115 will save a couple bucks while USD 113 will take the hit.

Our children are among the 123 out-of-district students enrolled in Prairie Hills USD 113, but we have still had the opportunity to be involved in our school district of choice. No, we cannot vote for USD 113 school board members, nor can we serve on that Board of Education, but we can voice our opinions regarding our children's education, which has proved to be far more effective than two votes. The Board of Education at USD 113 has respectfully responded to our emails, they have listened to our voice at meetings, and the administrators have worked with us as we have made requests regarding our kids' education. My husband serves on the Site Council at Sabetha High School. Since our kids began school in Sabetha, I have been involved in PTO, volunteering in classrooms, and sending an endless supply of cookies and treats for teachers and students. Sabetha schools educate our kids, and we want to keep it that way, even if we don't live within their boundaries.

Please dismiss USD 115's petition. Or would you consider moving all of the school district boundaries throughout the state? I'd like to lower our property taxes as well. Dismiss this petition and honor local control of education.

Sincerely,

Myra Hartter

This letter comes to you from Mr + Mrs Douglas J Enneking. We own and operate a farm West of Bern. We have four sons and they have all graduated from Bern. Two of my sons live in the Bern Community and have children that attend USD #115 Nemaha Central. There will be seven of our grandchildren that attend USD #115 Nemaha Central. We would love to help support USD #115 with our tax money.

I think it is only fair for our tax money to be where our grandchildren attend school.

Both of our sons have jobs in the Seneca Area and I have worked there also. That is where we would like to be.

Sincerely

Lois Enneking

Douglas J Enneking

My name is David Pfrang,

I have a sister and a brother, we all graduated from the Sabetha schools.

My sister's kids and their kids have also either graduated or are currently attending Sabetha schools.

In 1961, Oneida High school closed, and at that time, Seneca moved that land into their district.

Around 1963, a group petitioned to move over to the Sabetha district. We failed the first time, as Seneca would not release us, we then tried a second time.

At the second hearing, with the help of the Sabetha school board, they released us to attend the Sabetha schools. There was however, one condition, we had to give them one rod (18 feet) of land, on the west side of the district. This was so they could have their district touching Goff, in order to connect with the Goff district, because it was pretty evident that Goff was soon too close.

My question is who mapped out, in other words, who drew the lines as to what land Seneca is proposing to take???????

The Pfrang, Georg, Hailey, and Barben families were never notified as to which district they wanted to attend, the Pfrang family has 1600 hundred acres in this area of the proposal. In this section of land, appraisals are high, because of the facilities.

One of the other families that was involved in the transfer in 1963, had two daughters that were attending Sabetha district, they have 400 acres in this proposal. The Barben/Brinkworth family has 160 areas.

Seneca is currently proposing to take ~~5,840~~ 6200 acres. In this total of acres, to my knowledge, there is only one family residing in this area that has children.

There are ~~four~~ five sections, each section being 640 acres, where there is not one homestead!

In conclusion, I feel it has nothing to do with educating the children, but only to take the land for revenue reasons. Why would we want to pay higher taxes, so Seneca can reap more revenue. The lesson learned, history repeats itself, they grabbed us once, and now they are trying to grab us again!

I feel that it looks like they are just after land revenue and should be denied!

David Pfrang

David Pfrang

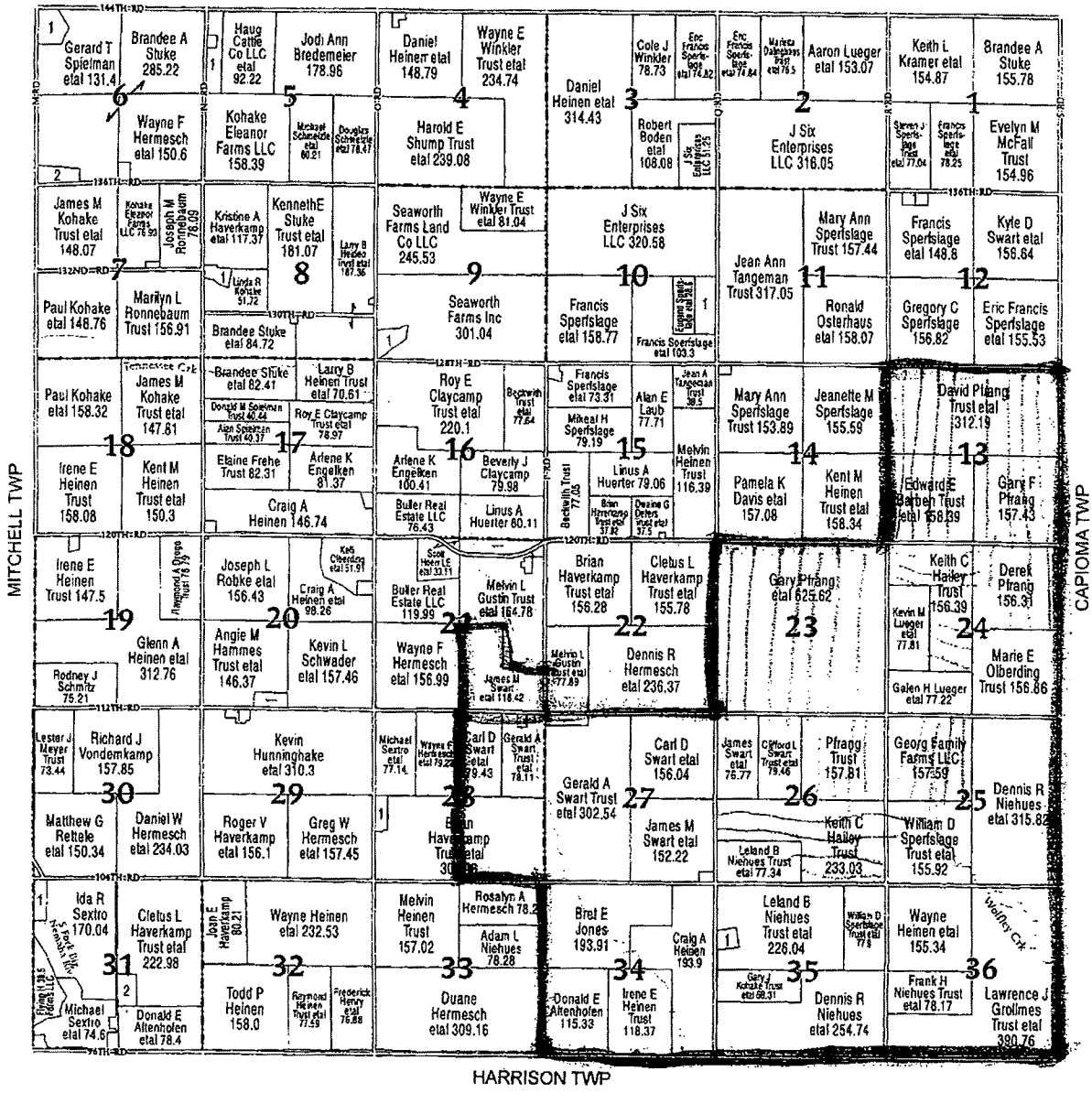
T-3-S

ADAMS PLAT

(Landowners)

R-13-E

GILMAN TWP



MITCHELL TWP

CAPIOMA TWP

HARRISON TWP

ADAMS TOWNSHIP	
SECTION 5	
1 HAUG CATTLE CO LLC	25.16
SECTION 6	
1 ENNEKING REAL ESTATE LLC	20.25
2 DETERS, KEVIN G ETAL	14.28
SECTION 8	
1 BURDIEK, KEVIN ETAL	8.98

SECTION 9	
1 SCHMELZLE, MICHAEL ETAL	13.66
SECTION 10	
1 SPERFSLAGE TRUST, STEVEN J ETAL	26.59
SECTION 12	
1 DETERS, RENE A	7.76
SECTION 20	
1 LUEGER, KEVIN M ETAL	10.86

SECTION 21	
1 HUERTER, LINUS A	22.47
SECTION 27	
1 SWART, TODD A ETAL	10.25
SECTION 28	
1 HAVERKAMP TRUST, CLETUS L ETAL	10.33

SECTION 29	
1 SUTHER, BRENT J	6
SECTION 31	
1 STATE OF KS	11.61
2 HAVERKAMP TRUST, BRIAN ETAL	13.55
SECTION 36	
1 NIEHUES, ADAM L ETAL	8.46

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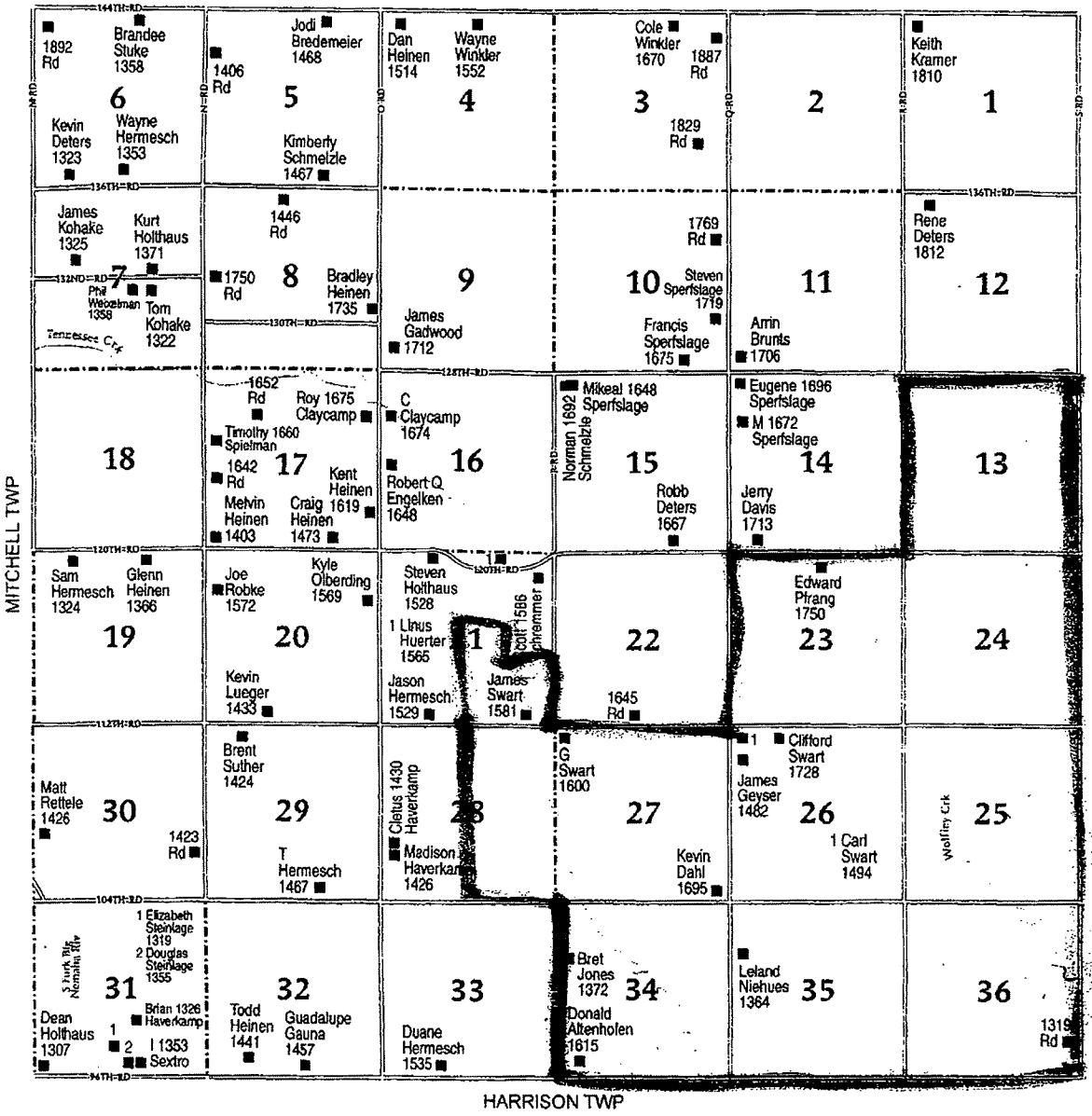
T-3-S

ADAMS DIRECTORY

(Residents - Owners or Renters)

R-13-E

GILMAN TWP



MITCHELL TWP

CAPIOMA TWP

HARRISON TWP

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TO STATE DEPARTMENT OF EDUCATION

UNIFIED SCHOOL DISTRICT NO. 113, PRAIRIE HILLS (USD 113) MOVES TO DISMISS THE UNILATERAL PETITION FOR TRANSFER OF TERRITORY FILED BY UNIFIED SCHOOL DISTRICT NO. 115, NEMAHA CENTRAL (USD 115).

THE PETITION SHOULD BE SUMMARILY DISMISSED BECAUSE THERE HAS BEEN NO MATERIAL CHANGE IN CIRCUMSTANCES JUSTIFYING THE TAKING OF LAND BY USD 115 FROM USD 113.

IN THE ABSENCE OF A MATERIAL CHANGE IN CIRCUMSTANCES WARRANTING FURTHER CONSIDERATION OF THE PETITION, THE PETITION SHOULD BE SUMMARILY DISMISSED AND SAVE THE PARTIES AND THE KANSAS STATE BOARD OF EDUCATION (KSDE) THE TIME AND EXPENSE OF PREPARING FOR AND CONDUCTING A HEARING UNDER K.S.A. 72-532.

FURTHER, COUNSEL FOR PETITIONER JOSHUA NEY SHOULD BE DISQUALIFIED BECAUSE THE PETITION CONFLICTS WITH LAND TRANSFER AGREEMENT BETWEEN USD 113 AND USD 380. PURSUANT TO A MEDIATED AGREEMENT IN WHICH MR. NEY ALSO REPRESENTS USD 380.

PLEASE CONSIDER THE ABOVE STATEMENTS ABOUT THE DISMISSAL OF THE ABOVE PETITION.

IN WHICH WE THE TAX PAYING PATRONS AND GRAND PARENTS OF USD 113 STUDENTS TOTALLY AGREE

SINCERELY,

JOHN H. GARBER

John H. Garber

ELAINE FAY GARBER

Elaine F Garber

Leslie Scoby
USD 113, Bd Pres.
[redacted]

March 7, 2024

Kansas State Board of Education,

I am writing to encourage the dismissal of the USD 115 petition that seeks to take from USD 113 a substantial amount of land. There are portions of this petitioned land that have been in USD 113 for decades and there are many parcels in the petitioned area where students live who attend USD 113.

As a former teacher in USD 441/113, I am concerned because there will be further financial and emotional harm done to the patrons USD 113 if this proposed action is allowed. The closure of Wetmore and the resulting retaliatory initiatives of the Wetmore Community Action Association, a political action group, has led to this horrible disruption in the lives of people in local schools, and towns. It has caused problems between friends, neighbors and even between family members. There has been too much money spent on lawyer fees and there is a potential for the future loss of tax revenue. This is the result of a small group of persuasive people who have dredged up the past and caused a petition to be filed that, if valid, should have been filed years ago. There was opportunity to do so "after a recent change in circumstance," like the statute states.

Currently, I am serving my third term as a USD 113 Board of Education member, and I currently serve as President. Superintendent Todd Evans assisted and helped the BOE through a process of a school closure, which was initiated due to a ten-year pattern of consistent declining enrollment in the Wetmore school. The process was long and tedious and was not done for any reason other than the financial stability of the district. Mr. Evans spent countless hours helping us follow the laws set forth and there was not one thing left off or not complete in the process. It was comforting to know that the Wetmore students had several excellent options in school choice. Of course, we hoped that some would choose to come north to attend school in Sabetha as we have capacity and an excellent school system. On the record, it is reported that no Wetmore students chose Sabetha, but in the last eight to ten years there were many families who made the decision to attend Sabetha from the southern portion of the district prior to the process of Wetmore closure. These families were interested in the expanded opportunities in academic, athletic, and extracurricular activities offered to the students in Sabetha. I also personally have spoken with most of the students who chose to attend the Sabetha schools when the Bern Attendance Center closed. In conversations with them, they shared that they believe the educational and extracurricular experiences they received by attending a larger school far outweighed what they would have had in the small school of Bern. USD 113 BOE also supported a plan to offer teaching positions to any Wetmore teacher who was interested. The teachers who made this decision have been assets to the students and to our district.

As a member of the Board of Education I have learned that most people do not want to seek a position as a board member because of the time commitment and responsibility. If this petition is passed, I believe wholeheartedly that this will become an even larger problem. I believe many would see it as a "name only" position that holds very little responsibility because local control will have been removed and taken away from board members.

It is time for life to return to normal. A vote to consolidate USD 441 and USD 448 led to the establishment of USD 113. Over 82% of the Bern voters supported this consolidation. But, very significant to this situation, an overwhelming 82% of USD 488 voters, which includes the majority of the petitioned area, approved the consolidation in an election on Tuesday, May 25, 2010. By dismissing this petition, you will uphold the decisions of the locally elected school board. Life can return to normal, and Mr. Evans can do the job we hired him to do instead of spending hours in meetings with lawyers. The good people in the area will move past this as time goes on. People on opposite sides of the issue will continue to attend church together, greet one another in public and some will see their children date children in those other towns. This is rural America. We are resilient and we genuinely care for others. This petition needs to be dismissed in its entirety.

I appreciate the Board's service to the schools in the state of Kansas and I ask you to be the voice of reason and stability.

Leslie Scoby,
President, USD 113 BOE

March 12, 2024

Kansas State Department of Education
Office of General Counsel
900 SW Jackson St
Topeka, KS 66612

Kansas Department of Education –

I am a landowner west of Bern in Nemaha Township, and my family has ties to the Seneca and Bern communities. I would like my land to be transferred to USD 115 Nemaha Central.

While I live out of the area, I have several cousins that are attending or have attended USD 115 Nemaha Central since the closure of the Bern School. It makes sense for my property taxes to go to USD 115, where they can benefit my family. Geographically it also makes sense to move my property to USD 115, as it is much closer to Seneca than Sabetha.

Also, after visiting with my relatives, who reside on adjoining property, they want a voice in their children's education. Currently, with our property tied up in USD 113, they have no voice. I hope you will consider my viewpoint when it comes to these issues.

Thank you for your time,

William Scott Kollin

Scott Kollin

showing my support to keep my land where my grandkids are attending at the USD 115 School Nemaha Central.
Kids have good roads to travel, good teachers and things if needed in near by. 15 minute from school for them to go.

Sharon Tangeman

[redacted]

HB EXHIBIT
tabbies' 15

KRIEGSHAUSER NEY LAW GROUP

USD 115 -
Public Hearing Document

March 22, 2024

KRIEGSHAUSER NEY LAW GROUP

Joshua A. Ney, Partner
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900 S. Kansas Ave., Ste. 402
Topeka, KS 66612
(785) 414-9065
josh@knlawgroup.com
www.knlawgroup.com

April 8, 2024

Hearing Officer Gordon:

The following slideshow was used substantially by USD 115 during the March 22, 2024 public hearing in Bern, Kansas, in support of transfer of the Petitioned Area from USD 113 (Prairie Hills) to USD 115 (Nemaha Central).

The slides supplement USD 115's Petition for Land Transfer by discussing the statutory factors and other considerations towards the initial determination by the Hearing Officer and ultimate decision by the State Board regarding: regarding "the long-term effect a transfer would have on students living in: (1) the petitioned area, (2) the receiving district, and (3) the giving district," as well as whether the transfer will result in the "general improvement of the public schools in the state and the equalization of the benefits and burdens of education throughout the effected communities." *See* KSDE Land Transfer Guidelines (summarizing totality of the circumstances considerations under K.S.A. 72-532(d) factors).

The slides are accompanied by the extensive databases developed by USD 115 during the lead up to mediation and the filing of the petition, including 1) student enrollment and migration data; 2) landowner and family preference regarding land transfer, including documentation regarding the phone survey commissioned by USD 115; 3) time-distance analysis; 4) valuation and assessment data; and 5) fiscal analysis to assess impact of proposed transfer on giving and receiving districts.

On behalf of USD 115, its constituents, and many of the families in the Petitioned Area, thank you for your consideration.

Joshua A. Ney, Partner
Kriegshauser Ney Law Group

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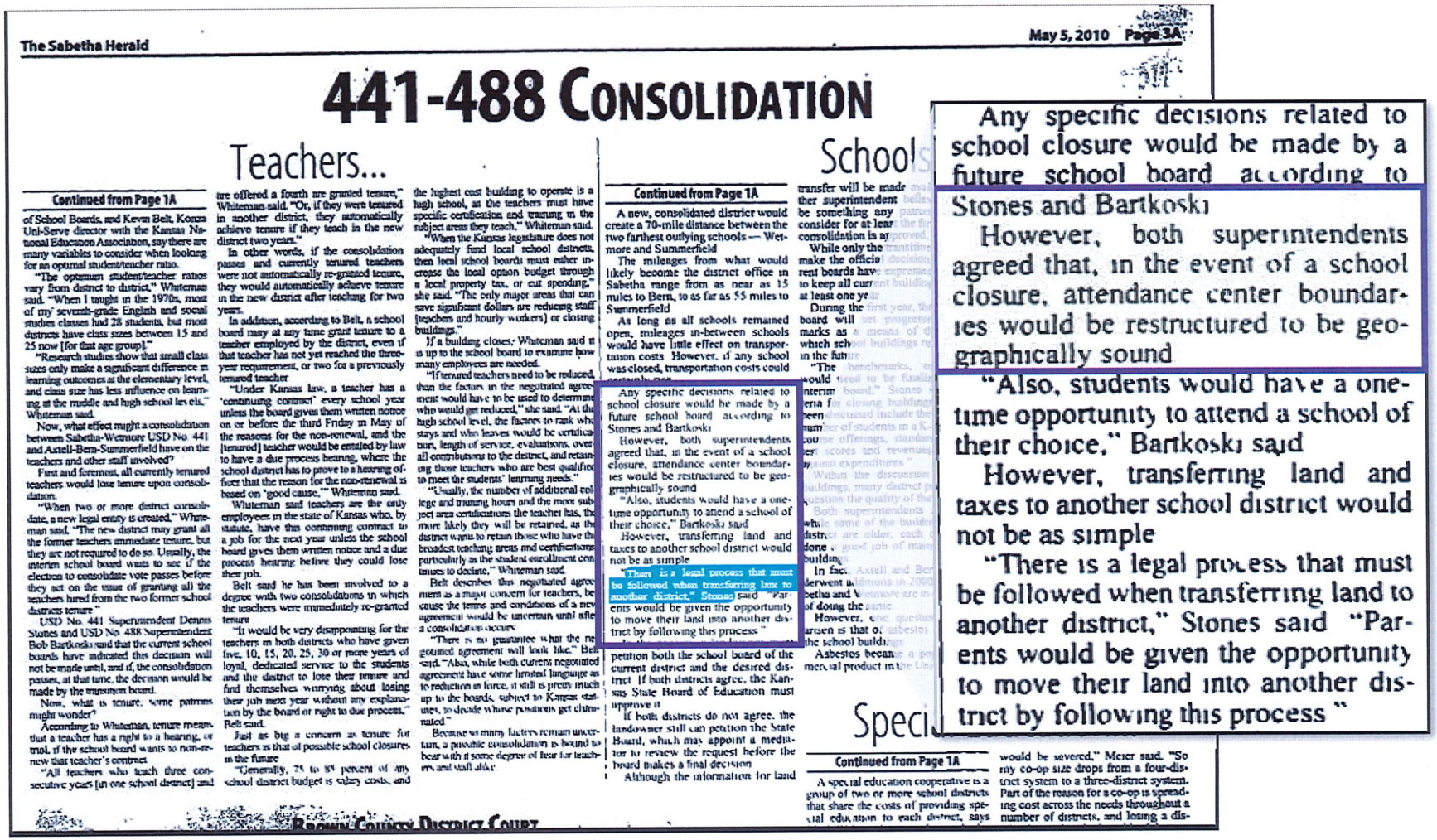
Historical Narrative

Historical background and context

The Original Consolidation Terms

When Bern voters went to the ballot boxes in 2010, voters were repeatedly assured that their land and taxes could follow the students if the Bern School was closed.



The Sabetha Herald May 5, 2010 Page 3A

441-488 CONSOLIDATION

Teachers...

Continued from Page 1A

of School Boards, and Kevan Belt, Konza Uni-Serve director with the Kansas National Education Association, say there are many variables to consider when looking for an optimal student/teacher ratio.

"The optimum student/teacher ratios vary from district to district," Whiteman said. "When I taught in the 1970s, most of my seventh-grade English and social studies classes had 28 students, but most districts have class sizes between 15 and 25 now [for that age group]."

"Research studies show that small class sizes only make a significant difference in learning outcomes at the elementary level, and class size has less influence on learning at the middle and high school levels," Whiteman said.

Now, what effect might a consolidation between Sabetha-Wetmore USD No. 441 and Axtell-Bern-Summerfield have on the teachers and other staff involved?

First and foremost, all currently tenured teachers would lose tenure upon consolidation.

"When two or more district consolidate, a new legal entity is created," Whiteman said. "The new district may grant all the former teachers immediate tenure, but they are not required to do so. Usually, the interim school board waits to see if the election to consolidate vote passes before they act on the issue of granting all the teachers hired from the two former school districts tenure."

USD No. 441 Superintendent Dennis Stones and USD No. 488 Superintendent Bob Bartkoski said that the current school boards have indicated this decision will not be made until, and if, the consolidation passes, at that time, the decision would be made by the transition board.

Now, what is tenure, some patrons might wonder?

According to Whiteman, tenure means that a teacher has a right to a hearing, or trial, if the school board wants to non-renew that teacher's contract.

"All teachers who teach three consecutive years [in one school district] and are offered a fourth are granted tenure," Whiteman said. "Or, if they were tenured in another district, they automatically achieve tenure if they teach in the new district two years."

In other words, if the consolidation passes and currently tenured teachers were not automatically re-granted tenure, they would automatically achieve tenure in the new district after teaching for two years.

In addition, according to Belt, a school board may at any time grant tenure to a teacher employed by the district, even if that teacher has not yet reached the three-year requirement, or two for a previously tenured teacher.

"Under Kansas law, a teacher has a 'continuing contract' every school year unless the board gives them written notice on or before the third Friday in May of the reasons for the non-renewal, and the [tenured] teacher would be entitled by law to have a due process hearing, where the school district has to prove to a hearing officer that the reason for the non-renewal is based on 'good cause,'" Whiteman said.

Whiteman said teachers are the only employees in the state of Kansas who, by statute, have this continuing contract to a job for the next year unless the school board gives them written notice and a due process hearing before they could lose their job.

Belt said he has been involved to a degree with two consolidations in which the teachers were immediately re-granted tenure.

"It would be very disappointing for the teachers in both districts who have given five, 10, 15, 20, 25, 30 or more years of loyal, dedicated service to the students and the district to lose their tenure and find themselves worrying about losing their job next year without any explanation by the board or right to due process," Belt said.

Just as big a concern as tenure for teachers is that of possible school closures in the future.

"Generally, 75 to 85 percent of any school district budget is salary costs, and the highest cost building to operate is a high school, as the teachers must have specific certification and training in the subject areas they teach," Whiteman said.

"When the Kansas legislature does not adequately fund local school districts, then local school boards must either increase the local option budget through a local property tax, or cut spending," she said. "The only major areas that can save significant dollars are reducing staff [teachers and hourly workers] or closing buildings."

If a building closes, Whiteman said it is up to the school board to examine how many employees are needed.

"If tenured teachers need to be reduced, then the factors in the negotiated agreement would have to be used to determine who would get reduced," she said. "At the high school level, the factors to rank who stays and who leaves would be certification, length of service, evaluations, over all contributions to the district, and retaining those teachers who are best qualified to meet the students' learning needs."

"Usually, the number of additional college and training hours and the more subject area certifications the teacher has, the more likely they will be retained, as the district wants to retain those who have the broadest teaching areas and certifications particularly as the student enrollment continues to decline," Whiteman said.

Belt describes this negotiated agreement as a major concern for teachers, because the terms and conditions of a new agreement would be uncertain until after a consolidation occurs.

"There is no guarantee what the negotiated agreement will look like," Belt said. "Also, while both current negotiated agreement have some limited language as to reduction in force, it still is pretty much up to the boards, subject to Kansas statutes, to decide whose positions get eliminated."

Because so many factors remain uncertain, a possible consolidation is bound to bear with it some degree of fear for teachers and staff alike.

School

Continued from Page 1A

A new, consolidated district would create a 70-mile distance between the two farthest outlying schools — Wetmore and Summerfield.

The mileages from what would likely become the district office in Sabetha range from as near as 15 miles to Bern, to as far as 55 miles to Summerfield.

As long as all schools remained open, mileages in-between schools would have little effect on transportation costs. However, if any school was closed, transportation costs could

Any specific decisions related to school closure would be made by a future school board according to Stones and Bartkoski.

However, both superintendents agreed that, in the event of a school closure, attendance center boundaries would be restructured to be geographically sound.

"Also, students would have a one-time opportunity to attend a school of their choice," Bartkoski said.

However, transferring land and taxes to another school district would not be as simple.

"There is a legal process that must be followed when transferring land to another district," Stones said. "Parents would be given the opportunity to move their land into another district by following this process."

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petition both the school board of the current district and the desired district. If both districts agree, the Kansas State Board of Education must approve it.

If both districts do not agree, the landowner still can petition the State Board, which may appoint a mediator to review the request before the board makes a final decision.

Although the information for land

Speci

Continued from Page 1A

A special education cooperative is a group of two or more school districts that share the costs of providing special education to each district, says

would be severed," Meier said. "So my co-op size drops from a four-district system to a three-district system. Part of the reason for a co-op is spreading cost across the needs throughout a number of districts, and losing a dis-

Any specific decisions related to school closure would be made by a future school board according to Stones and Bartkoski

However, both superintendents agreed that, in the event of a school closure, attendance center boundaries would be restructured to be geographically sound

"Also, students would have a one-time opportunity to attend a school of their choice," Bartkoski said

However, transferring land and taxes to another school district would not be as simple

"There is a legal process that must be followed when transferring land to another district," Stones said "Parents would be given the opportunity to move their land into another district by following this process "

Brown County District Court

Source: Sabetha Herald, May 5, 2010: Mary Cotton Public Library, Community History Archive.

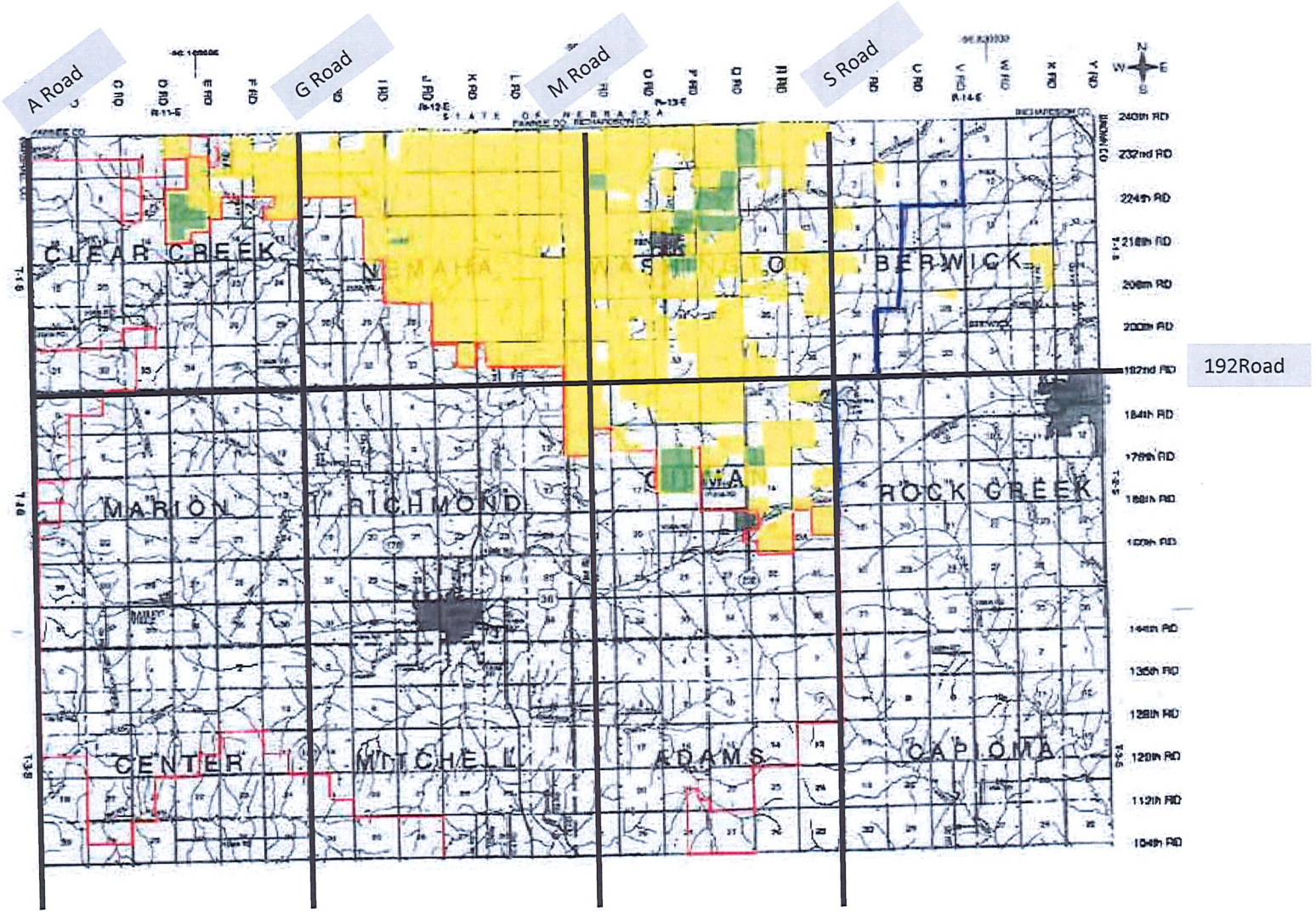
Historical Narrative Summarized

"This has never been about money for us, and it never will be."

- Bern area **patrons were promised** that their **"land could follow the students"** if the school closed before the five-year consolidation incentive period expired when they went to the ballot box to approve the consolidation proposal in May 2010.
- After the school closed in May 2012, **over 160+ landowners formally submitted their intention** to have property transferred to USD 115 as originally promised **(*twice* – through survey and signed affidavits).**
- Although USD 113 declined the land transfer requests in 2012 and 2013, the Bern area **students/families "voted with their feet"** and over 75% of the families from this area have been sending their children to USD 115 since fall of 2012.
- **Land transfer was attempted** by 1) individual/group request and 2) Board to Board requests in 2012 and 2013, but both efforts failed, and Bern patrons were told to "bring it back in a few years."
- The Bern patrons contacted the Kansas Department of Education for support in 2013, but they were told that individuals could not initiate a land transfer request because "it just doesn't happen."
- Since this time, the Bern area families **have not had any representation of a board member from the area** on the USD 113 school board, and they do not have a large enough majority to impact school board elections or overrule the patrons from the district's controlling headquarters.
- When USD 113 agreed to transfer land after the closure of the Wetmore school, it became clear that evaluating (and adjusting) school district boundaries should be a standard operating procedure when a school closes and **over 50%** of patrons transfer to a new school district.
- The land transfer proposed in this petition could have occurred after the school closure in 2012, but the Bern community has made it clear that they don't intend to let the illogical and unrepresentative boundary lines persist forever. This petition, and the resetting of natural boundaries in this region, is **long overdue**.

Original Landowner Survey Results: 2012-2013

Over 75% of landowners surveyed in 2012-2013 indicated that they wanted their land transferred to USD 115, and the results are nearly identical to the landowner surveys conducted in 2023-2024.



Source: Landowner survey conducted in 2012-2013.

Present Day Narrative

Recent events and community context

Present Day Narrative Summarized

"This is still not about money for us, and it never will be."

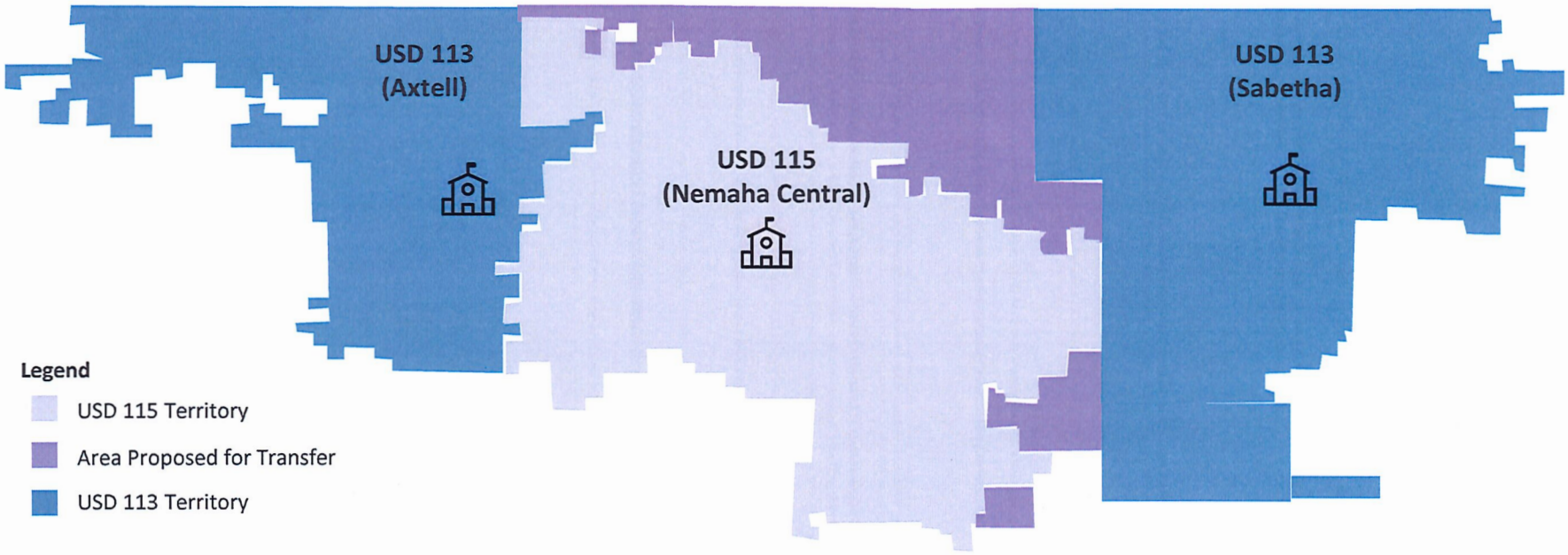
- When 115 broached the subject of land transfer to 113 (Sabetha) in 2013, Sabetha was not interested in a land transfer. At that time, USD 115 took the high road and decided not to invest in a lengthy legal battle to obtain the land.
- Since that time two key things have happened:
  - Organic growth to USD 115 has exploded to the point that students were being educated in mobile classroom units and a $24M bond was required to enable facility expansion
  - USD 113 agreed to a land transfer after the Wetmore school closed in May 2023, which signaled that land transfer is not only logical and appropriate when a school closes, but it should have been pursued to the point of state mediation when USD 113 declined the first attempt in 2012.
- USD 115 is not interested in the small amount of additional funding that will flow to the district when the land transfer is approved. 115's interests lie in the students. It lies in the parents' right to participate in school board elections, and their right to have a representative on a school board for the first time in over a decade. It lies in their family's ability to know that their spot at NC is secure, even as organic growth continues to occur.
- USD 115 made a good faith attempt to negotiate board to board with 113 (first in open session and then in closed door mediation) after USD 113 declined multiple requests to meet in public forums, citing their preference for "exchanging written documents" over face-to-face meetings.
- USD 115 presented multiple options to USD 113, but USD 113 was not willing to consider any land transfer without a dollar-for-dollar trade in land value. When presented with strong student and landowner preference data in support of the transfer, USD 113 proposed "revenue neutral trades" of land that would have moved over 70 USD 115 students into a district that they do not attend, and they did so without any data stating families or students wanted such transfers.
- At the end of the failed mediation, what USD 115 had in front of us was an overwhelming amount of evidence that we must continue on with the petition, and we must look to the state to help steward the process for correction.

Justification for Proposal

Key information about student enrollment, travel times between schools, and landowner preferences

Introduction to Map Area

The following graphic provides a simple introduction to the territory proposed for transfer.

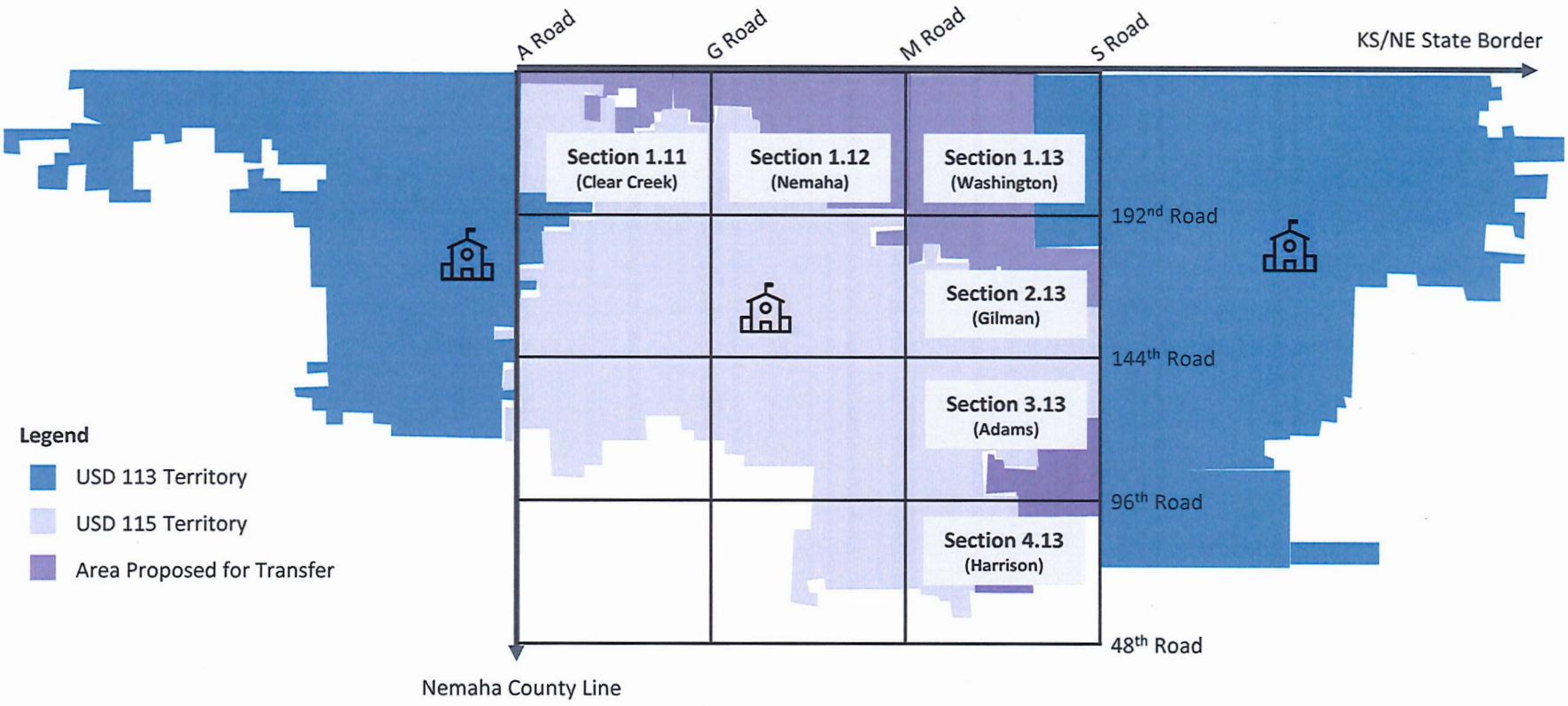


USD 115 (Nemaha Central)	Area Proposed for Transfer	USD 113 (Sabetha/Axtell)
Total Students: 782 students	**Total Students:** 89 students	**Total Students:** 925 students
Square Miles: 224.71	**Square Miles:** 77.4 sq. miles	**Square Miles:** 410.97 sq. miles*
Assessed Valuation: $105,721,469	**Assessed Valuation:** $18,172,666	**Assessed Valuation:** $131,613,412*

**Assessed Valuation and Square Miles reported assumes that land transfer in progress to USD 335 and USD 380 is approved as submitted. Enrollment data sourced from SO66 Forms, submitted September 2023.*

Introduction to Map Structure

Nemaha County Plat Map boundaries and related Map Section IDs were used to organize key data points into logical (and easier to digest) pieces of information.



Conducting a detailed review of student enrollment data, landowner preferences, and travel time from each of the Map Sections listed above, demonstrates why the area proposed for transfer is justified.

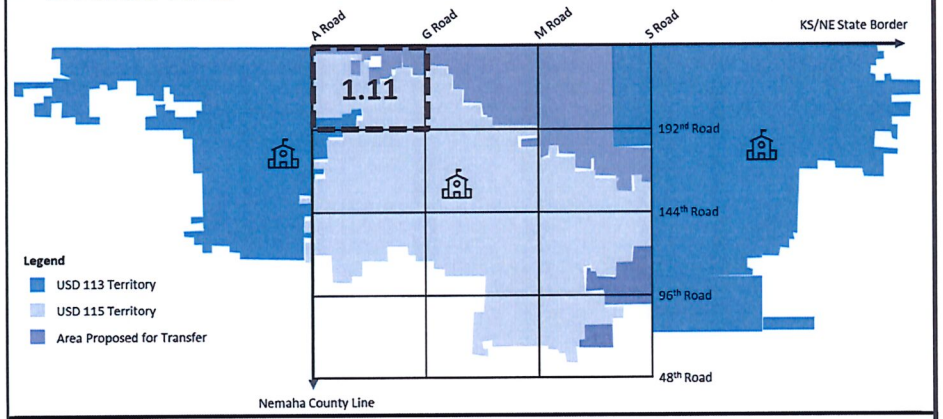
Section-By-Section Analysis

Detailed summary of student enrollment, travel times between schools, and landowner preferences

Section 1.11 – Clear Creek Township

Over 80% of Section 1.11 is already in USD 115, and the student counts, travel time analysis, and landowner preferences all suggest that this territory should be in USD 115.

Section 1.11



Transfer Area Stats:

Square Miles	7 sq. miles
Property Parcels	44
Assessed Value	$721K

Student Location:

	A Rd.	B Rd.	C Rd.	D Rd.	E Rd.	F Rd.
State Line						
232 Rd.						
224 Rd.		1				
216 Rd.				3	3	1
208 Rd.	2					1
200 Rd.			4		1	

Student Counts

USD 113	USD 115
2 (13%)	14 (88%)

Travel Time Analysis

USD 113	USD 115
33-41 mins (to Sabetha)*	22-27 mins (to NMC)

**This is the only section of land proposed for transfer that should also consider distance to Axtell. This small strip of land is 19-23 mins from Axtell, but schools are equal distance in 7 of 11 sections.*

Landowner Preferences

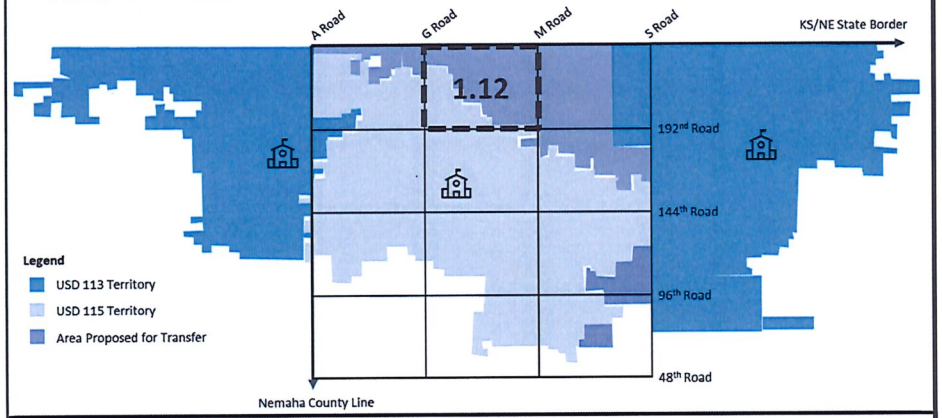
USD 113	Neutral	Unable to Reach	USD 115
02%	07%	25%	66%

Source: Refer to Master Student Database file to validate student counts. Refer to Master Landowner Survey Database file to validate survey results. Refer to Travel Time Analysis file to validate travel times. Transfer Area Stats are rounded for simplicity purposes and estimated land value does not include assessed value for Public Utilities or Personal Property (due to data constraints). Travel Time analysis displays MIN and MAX travel time for Transfer Area only.

Section 1.12 – Nemaha Township

One hundred percent of the students in Section 1.12 attend USD 115, and USD 115 schools are an average of 12 minutes closer from every single point in the section.

Section 1.12



Transfer Area Stats:

Square Miles	23
Property Parcels	165
Assessed Value	$4.5M

Student Location:

	G Rd.	H Rd.	I Rd.	J Rd.	K Rd.	L Rd.
State Line				1		
232 Rd.				3	3	2
224 Rd.		1				1
216 Rd.						
208 Rd.			3	2		
200 Rd.	1		2	1		

Student Counts

USD 113	USD 115
0 (0%)	20 (100%)

Travel Time Analysis

USD 113	USD 115
22-33 mins (to Sabetha)	9-21 mins (to NMC)

Landowner Preferences

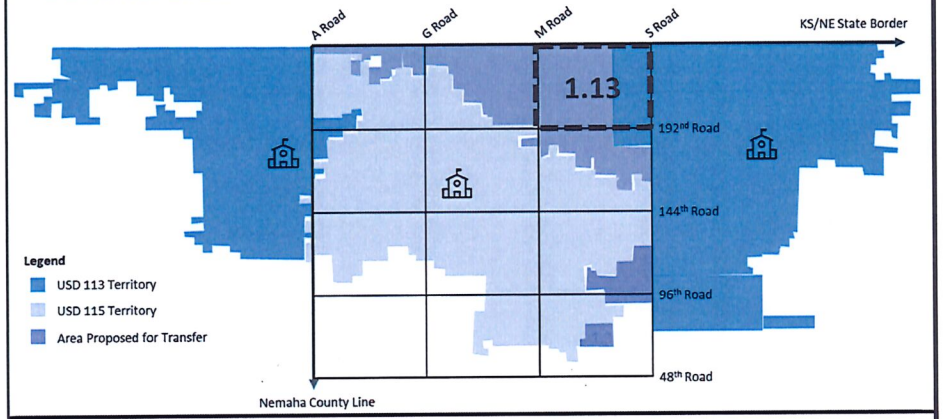
USD 113	Neutral	Unable to Reach	USD 115
04%	10%	03%	82%

Source: Refer to Master Student Database file to validate student counts. Refer to Master Landowner Survey Database file to validate survey results. Refer to Travel Time Analysis file to validate travel times. Transfer Area Stats are rounded for simplicity purposes and estimated land value does not include assessed value for Public Utilities or Personal Property (due to data constraints). Travel Time analysis displays MIN and MAX travel time for Transfer Area only.

Section 1.13 – Washington Township

Section 1.13 is the only section in the Transfer Area that has any students and travel times are similar, so the area is split to reflect student trends (60% to USD 115, 40% to USD 113).

Section 1.13



Transfer Area Stats:

Square Miles	23
Property Parcels	350
Assessed Value	$6.1M

Student Location:

	M Rd.	N Rd.	O Rd.	P Rd.	Q Rd.	R Rd.
State Line	2					
232 Rd.	2		4			
224 Rd.		6	23 15		2	
216 Rd.	2	3	1		3	
208 Rd.				2	1	1
200 Rd.		2	2		3	2

Student Counts

USD 113	USD 115
29 (38%)	47 (62%)

Travel Time Analysis

USD 113	USD 115
16-25 mins (to Sabetha)	12-21 mins (to NMC)

Landowner Preferences

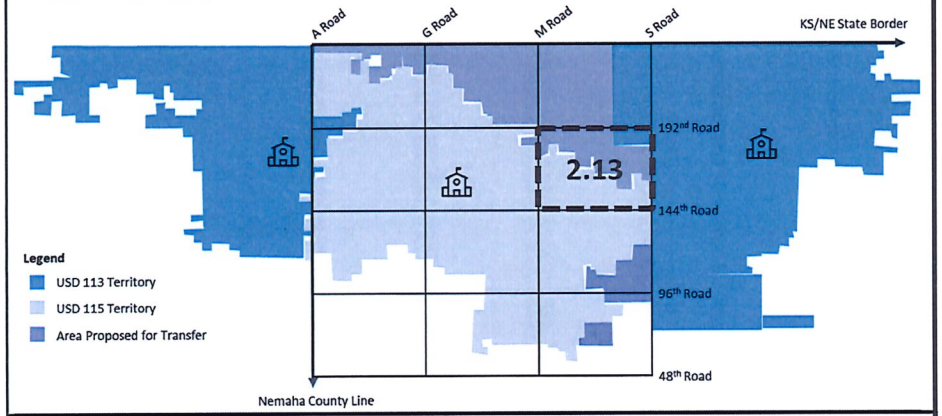
USD 113	Neutral	Unable to Reach	USD 115
21%	08%	23%	48%

Source: Refer to Master Student Database file to validate student counts. Refer to Master Landowner Survey Database file to validate survey results. Refer to Travel Time Analysis file to validate travel times. Transfer Area Stats are rounded for simplicity purposes and estimated land value does not include assessed value for Public Utilities or Personal Property (due to data constraints). Travel Time analysis displays MIN and MAX travel time for Transfer Area only.

Section 2.13 – Gilman Township

Ninety percent of the students in Section 2.13 attend USD 115, and over seventy percent of landowners from the Transfer Area prefer to transfer to USD 115.

Section 2.13



Transfer Area Stats:

Square Miles	13
Property Parcels	65
Assessed Value	$1.5M

Student Location:

	M Rd.	N Rd.	O Rd.	P Rd.	Q Rd.	R Rd.
192 Rd.					3	
184 Rd.	3 5	2				
176 Rd.		1				
168 Rd.	1 2		2	7	2	
160 Rd.	2	3	3			
Hwy 36			3 2			

Student Counts

USD 113	USD 115
4 (10%)	37 (90%)

Travel Time Analysis

USD 113	USD 115
13-26 mins (to Sabetha)	11-17 mins (to NMC)

Landowner Preferences

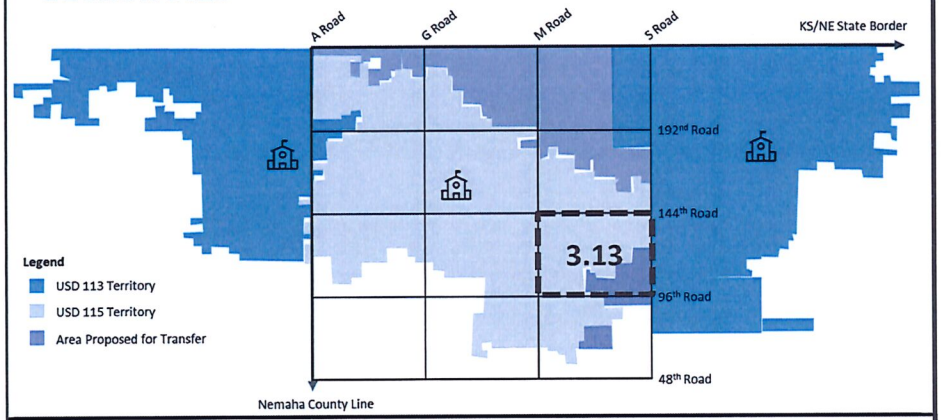
USD 113	Neutral	Unable to Reach	USD 115
20%	0%	09%	71%

Source: Refer to Master Student Database file to validate student counts. Refer to Master Landowner Survey Database file to validate survey results. Refer to Travel Time Analysis file to validate travel times. Transfer Area Stats are rounded for simplicity purposes and estimated land value does not include assessed value for Public Utilities or Personal Property (due to data constraints). Travel Time analysis displays MIN and MAX travel time for Transfer Area only.

Section 3.13 – Adams Township

Nearly ninety-five percent of the students from Section 3.13 attend USD 115 and 60% of landowners from this Transfer Area prefer to transfer to USD 115.

Section 3.13



Transfer Area Stats:

Square Miles	9
Property Parcels	48
Assessed Value	$1.2M

Student Location:

	M Rd.	N Rd.	O Rd.	P Rd.	Q Rd.	R Rd.
144 Rd	4			2		
136 Rd			2		1	
128 Rd				6	1	
120 Rd	2	3	2			
112 Rd		1	1		1	
104 Rd	2	4			3*	

Student Counts

USD 113	USD 115
2 (6%)	33 (94%)

Travel Time Analysis

USD 113	USD 115
17-21 mins (to Sabetha)	13-17 mins (to NMC)

Landowner Preferences

USD 113	Neutral	Unable to Reach	USD 115
25%	10%	04%	60%

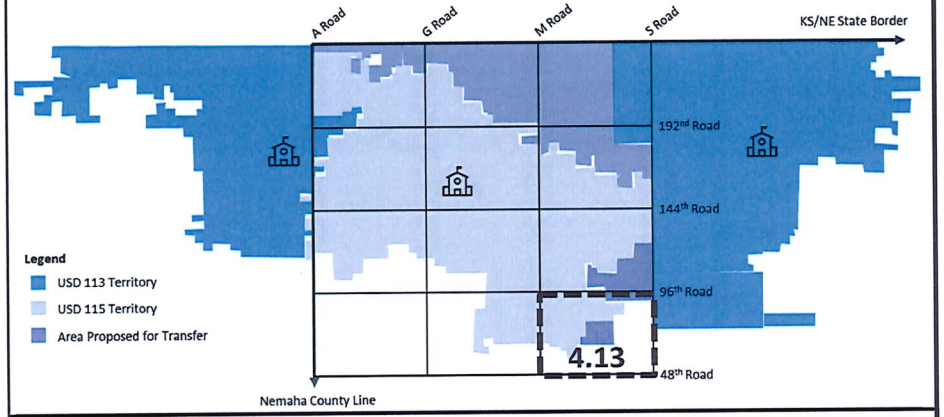
Source: Refer to Master Student Database file to validate student counts. Refer to Master Landowner Survey Database file to validate survey results. Refer to Travel Time Analysis file to validate travel times. Transfer Area Stats are rounded for simplicity purposes and estimated land value does not include assessed value for Public Utilities or Personal Property (due to data constraints). Travel Time analysis displays MIN and MAX travel time for Transfer Area only.

**These three students are not listed on the official "Out of District" report for USD 115, but detailed map view shows that they live within USD 113 borders. These three are not counted in the 91 or 68 students reported as living in USD 113.*

Section 4.13 – Harrison Township

There are no students from USD 113 in Section 4.13, and over 70% of landowners from this Transfer Area prefer to transfer to USD 115.

Section 4.13



Transfer Area Stats:

Square Miles	2
Property Parcels	17
Assessed Value	$694K

Student Location:

	M Rd.	N Rd.	O Rd.	P Rd.	Q Rd.	R Rd.
96 Rd.	4			3	2	
88 Rd.	6					
80 Rd.	5		2	3		
72 Rd.						
64 Rd.						
56 Rd.				1	1	

Student Counts

USD 113	USD 115
0 (0%)	27 (100%)

Travel Time Analysis

USD 113	USD 115
20-27 mins (to Sabetha)	16-21 mins (to NMC)

Landowner Preferences

USD 113	Neutral	Unable to Reach	USD 115
12%	0%	18%	71%

Source: Refer to Master Student Database file to validate student counts. Refer to Master Landowner Survey Database file to validate survey results. Refer to Travel Time Analysis file to validate travel times. Transfer Area Stats are rounded for simplicity purposes and estimated land value does not include assessed value for Public Utilities or Personal Property (due to data constraints). Travel Time analysis displays MIN and MAX travel time for Transfer Area only.

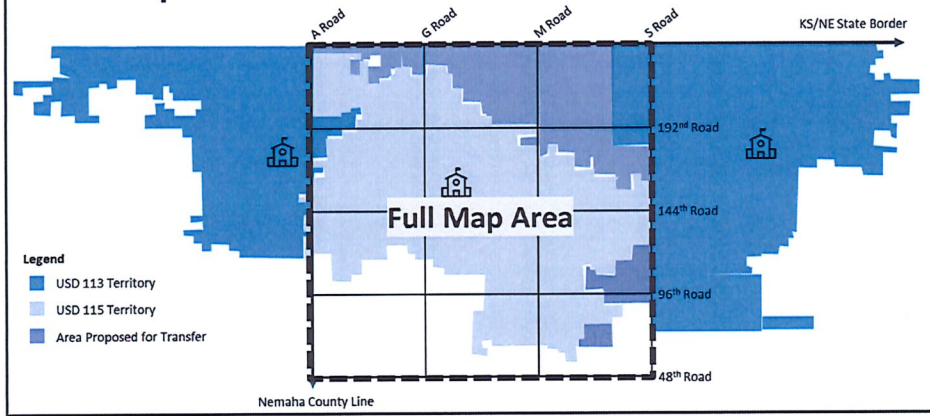
Summary Conclusions

Final summary of key findings

Summary Conclusion: Student Counts

By examining student counts across the full map area, one can see that 94% of students attend USD 115 and the area proposed for transfer fits naturally into USD 115 territory.

Full Map Area

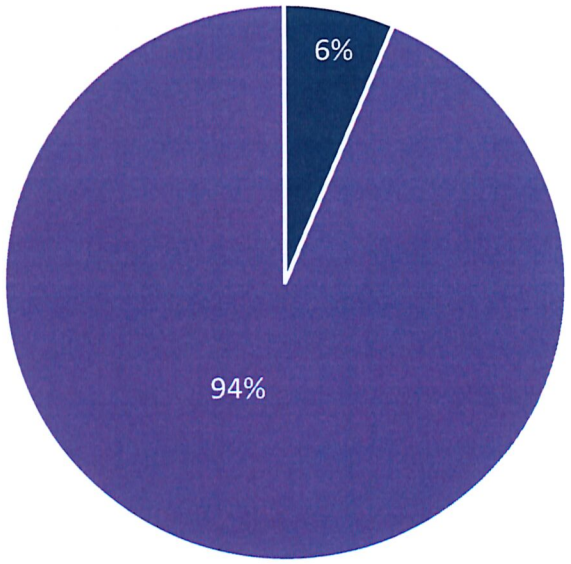


Student Location:

	A Rd.	B Rd.	C Rd.	D Rd.	E Rd.	F Rd.	G Rd.	H Rd.	I Rd.	J Rd.	K Rd.	L Rd.	M Rd.	N Rd.	O Rd.	P Rd.	Q Rd.	R Rd.
St. Line										1			2					
232 Rd.										3	3	2	2		4			
224 Rd.		1						1				1		6	23 15		2	
216 Rd.				3	3	1							2	3	1		3	
208 Rd.	2					1			3	2						2	1	1
200 Rd.			4		1		1		2	1				2	2		3	2
192 Rd.						3		1	5	1							3	
184 Rd.			2		2			13		6	2		3 5	2				
176 Rd.		2	1	3 5		1	2	4	3	4	1			1				
168 Rd.		4		4	6		2		1	1	1	1	1 2		2	7	2	
160 Rd.	3		27	1 6			2	2	17	23	1		2	3	3			
Hwy 36	4 1							7	33	223	19	3			3 2			
144 Rd.				7		3		1	2	24	10	1	4			2		
136 Rd.									1	2		8			2		1	
128 Rd.			1	1		2				3		3				6	1	
120 Rd.								2	1		1	2	2	3	2			
112 Rd.														1	1		1	
104 Rd.												2	2	4			3*	
96 Rd.												3	4			3	2	
88 Rd.						2				2			6					
80 Rd.											1	3	5		2	3		
72 Rd.																		
64 Rd.																		
56 Rd.																1	1	

Student Counts

USD 113	USD 115
48 (06%)	708 (94%)



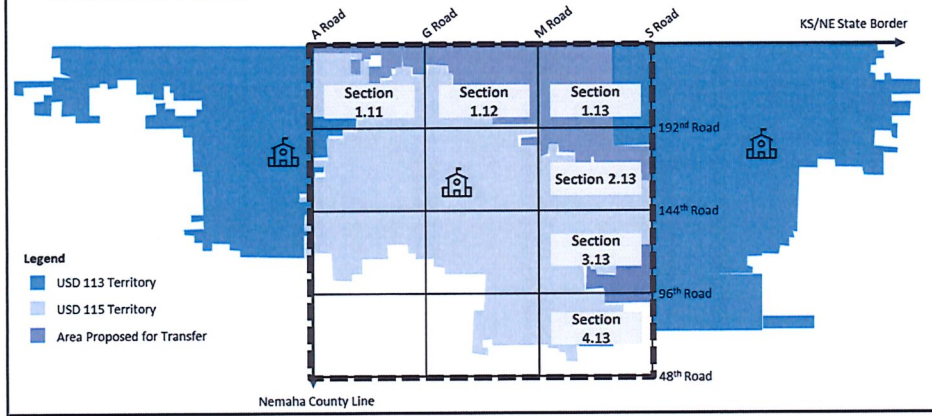
Source: Refer to Master Student Database file to validate student counts. Refer to Master Landowner Survey Database file to validate survey results. Refer to Travel Time Analysis file to validate travel times. Transfer Area Stats are rounded for simplicity purposes and estimated land value does not include assessed value for Public Utilities or Personal Property (due to data constraints). Travel Time analysis displays MIN and MAX travel time for Transfer Area only.

**These three students are not listed on the official "Out of District" report for USD 115, but detailed map view shows that they live within USD 113 borders. These three are not counted in the 91 or 68 students reported as living in USD 113.*

Summary Conclusion: Travel Time

Nemaha Central schools (USD 115) are closer than Sabetha schools (USD 113) in over 70% of the sections included in the area proposed for transfer

Transfer Area



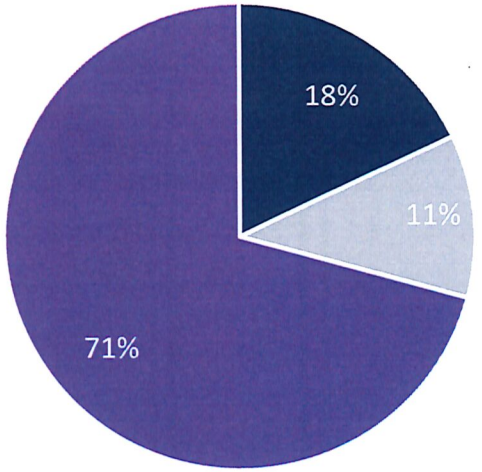
Travel Time Analysis:

	A Rd.	B Rd.	C Rd.	D Rd.	E Rd.	F Rd.	G Rd.	H Rd.	I Rd.	J Rd.	K Rd.	L Rd.	M Rd.	N Rd.	O Rd.	P Rd.	Q Rd.	R Rd.
St. Line						No Rd.	NMC	NMC	NMC	No Rd.	NMC	No Rd.	No Rd.	NMC	EQUAL	EQUAL		
232 Rd.							NMC	NMC	NMC	No Rd.	NMC	No Rd.		NMC	NMC	EQUAL		
224 Rd.									NMC	NMC	NMC	NMC	No Rd.	NMC	EQUAL	No Rd.		
216 Rd.									NMC	NMC	NMC	NMC	NMC	NMC	EQUAL	EQUAL		
208 Rd.										NMC	NMC	No Rd.	NMC	NMC	EQUAL	EQUAL		
200 Rd.											NMC	NMC	NMC	NMC	NMC	EQUAL		
192 Rd.												NMC	NMC	NMC	EQUAL	EQUAL		
184 Rd.														NMC	NMC	EQUAL	EQUAL	SAB
176 Rd.															NMC	NMC	NMC	EQUAL
168 Rd.																		
160 Rd.																		
Hwy 36																		
144 Rd.																		
136 Rd.																		
128 Rd.																		EQUAL
120 Rd.																	NMC	NMC
112 Rd.																NMC	NMC	NMC
104 Rd.																NMC	NMC	NMC
96 Rd.																		
88 Rd.															NMC	NMC		
80 Rd.															NMC	NMC		
72 Rd.															NMC	NMC		
64 Rd.																		
56 Rd.																		

All sections in this small "connector strip" of land in section 1.11 are closer to NMC than Sabetha by an average of 15-20 mins.

Closest Travel Time

USD 113 (or Equal TT)	No Roads	USD 115
16 (18%)	10 (11%)	63 (71%)



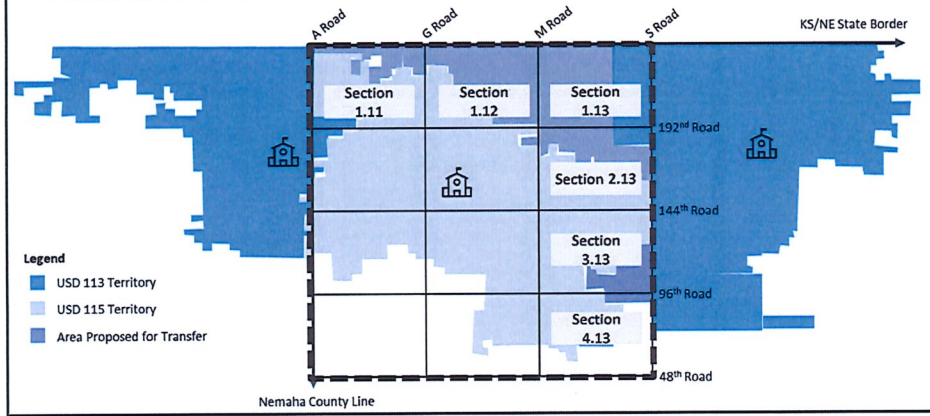
The tables above summarizes how many sections of land are closer to each school. If the schools were equal distance apart, the count was documented as closer to USD 113. If travel times were within 2 mins of one another, the travel time was recorded as "EQUAL" travel time (TT) for each school.

Source: Refer to Travel Time Analysis file to validate travel times. All travel times were collected form Google Maps and can be recreated. Travel time to Axtell Public Schools (located in the western portion of USD 113, west of A Road) is intentionally excluded from this Map View. According to Google Maps, the travel time to Axtell from A Road to F Road ranges from 20-23 mins. The travel time to Nemaha Central Schools from this section provides similar travel times (22-27 mins). Additionally, when the "2-min" rule is applied (i.e. if travel times are within two minutes of each another, the travel times should be considered "Equal"), Axtel and NMC are "EQUAL" in 7 of the 9 sections with roads.

Summary Conclusion: Landowner Preferences

Over 60% of landowners from the Transfer Area prefer to transfer, and Section 1.13 is the only section with a noticeable amount of opposition to the proposed transfer.

Transfer Area

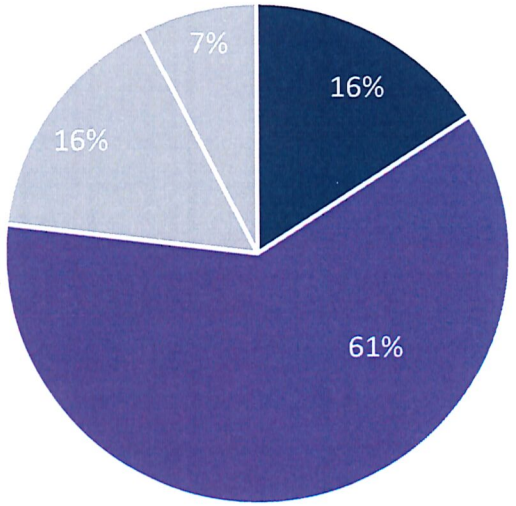


Student Counts

USD 113	Neutral	Unable to Reach	USD 115
110 (16%)	108 (16%)	52 (07%)	423 (61%)

Landowner Preferences

Section	USD 113	Neutral	Unable to Reach	USD 115	Total
1.11	1	3	11	29	44
1.12	7	17	5	136	165
2.12	0	0	1	3	4
1.13	75	27	80	168	350
2.13	13	0	6	46	65
3.13	12	5	2	29	48
4.13	2	0	3	12	17
Total	110	52	108	423	693



Source: Refer to Master Landowner Survey Database file to validate survey results. Refer to Landowner Survey Training and Methodology files for additional information about the policies, procedures, and controls that were used to govern the survey process.

Response to USD 113 Arguments

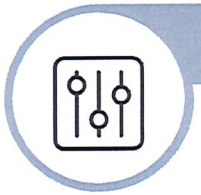
Assessing the financial impact of the proposed transfer

Will the transfer create **undue financial hardship for USD 113** if the transfer is approved?

Financial Impact Point 1 of 3

Understanding how land valuation impacts school budgets

School district boundaries and land value impact school funding in three ways, but land value funding is generally a low percentage of a district's overall budget.



Supplemental General Funding

Also known as the "Local Option Budget" (or LOB), school districts may adopt up to 33.6% of the general fund for operating expenses. This supplemental funding amount is set based on student enrollment and related weighting factors, but the funds are paid for with local property tax revenue. If a district is unable to raise the funds through a local mill levy (due to small land area or low land value), the state provides "equalization aid" to cover any deficit that may exist at the local level.

Capital Outlay Funding

Local boards may levy up to 8 mills (.008) for capital outlay funding. The money must be spent for capital outlay items as identified in state statutes. Revenue in this fund cannot be spent for operating expenses. Many school districts will try to build cash in this fund for special projects, or emergency facility needs.

Transportation Funding

Transportation funding is indirectly impacted by school district boundaries. Districts receive approximately $2,500 for each student that lives greater than 2.5 miles from the school building. However, this funding is only provided if the student lives within district boundaries. Therefore, transportation could be impacted by changes to school district boundaries.

Source: KSDE USD Budget Fund Summary Document: https://www.ksde.org/Portals/0/School%20Finance/budget/Budget_Fund%20Summaries.pdf?ver=2023-12-01-091043-903

Estimated Impact to USD 113

The estimated impact to USD 113 is approximately $150K/year, which is less than 1% of the district's overall budget.

Supplemental General Funding

Although USD 113 raised an average of $288k/year from the Transfer Area over the past five years (2019-20 – 2023-24), the impact to SGF is ***not*** a significant factor in long term viability because the state equalization formula will cover any deficit in local property tax revenue. Additionally, USD 113's overall operating expenses are expected to decrease by $1.5M/year following the closure of the Wetmore school, so the total amount of SGF funding needs are set to decrease in coming years.

N/A

Capital Outlay Funding

USD 113's average Capital Outlay mill rate over the past five years is 5.412 Mills. Based on the estimated value of the Transfer Area ($18M), USD 113's Capital Outlay fund will decrease approximately $100K/year if the transfer is approved. Additionally, it should be noted that USD 113's Cash Reserves have been fully funded at the recommended 20% level for the past 5 years and lowered taxes in 2023-2024 school year due to excess funding.

$100K

Transportation Funding

If the Transfer Area is approved as proposed, USD 113 will lose transportation funding for 21 students. This will impact the annual transportation budget by ~$50K/year.

$50K

Source: Refer to Estimated Financial Impact Analysis spreadsheet for details. The spreadsheet includes Mill rates from 2012-13 through 2023-24 and provides details and assumptions used to calculate estimated financial impact.

Impact as Percent of Total

If the proposed transfer is approved, USD 113's budget would be reduced by less than 1% and will have very limited impact on students and/or quality of education.

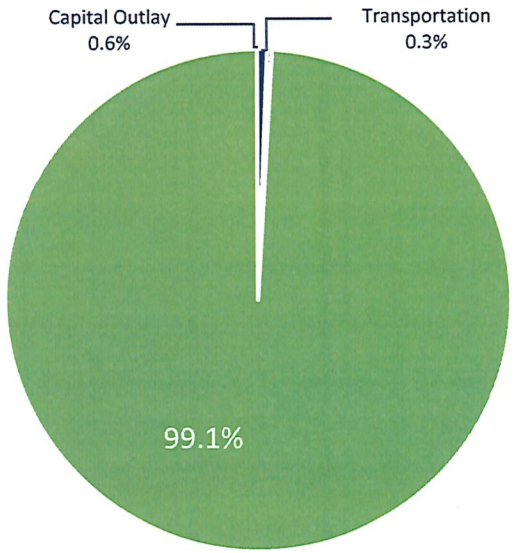
If the proposed transfer is approved, USD 113's budget would be reduced **by less than 1%** and will have very limited impact on students and/or quality of education.

Even if the estimated impact is updated to include the Supplemental General Fund impact (although it will not be impacted due to state equalization protections), the total impact would still be just over 2% of the district's overall budget.

To suggest that this transfer of land creates financial hardship for USD 113 is disingenuous and fails to acknowledge the realities of how schools are actually funded in Kansas.

USD 113 Budget Impact

Capital Outlay Fund	Transportation Fund	Remaining Budget
$100K (.6%)	$50K (.3%)	$15.6M (99.1%)



Source: Refer to Estimated Financial Impact Analysis spreadsheet for details. The spreadsheet includes Mill rates from 2012-13 through 2023-24 and provides details and assumptions used to calculate estimated financial impact. USD 113's total budget estimated based on Total Expenditures from 2023-2024 Budget at A Glance report, see page 3: https://www.ksde.org/Portals/0/School%20Finance/budget/Budget_at_a_Glance/23-24_Summary/BAG-113-2024.pdf

Will the transfer **create long term inequality** across the state?

Financial Impact Point 2 of 3

Understanding how Assessed Valuation Per Pupil (AVPP) Measures Equity

The AVPP metric allows the state to identify the total amount of land valuation available to each district to levy local property taxes, which provides an indication of whether a district is "rich or poor" when it comes to its ability to raise funding from property taxes.

The following table summarizes AVPP levels across the state. The **normalized AVPP level** across the state **ranges between $95-$106K/pupil**.

AVPP Metric	Value	Description
Total Districts	**286**	Total number of school districts in Kansas (and in the data set)
AVG. Valuation/Pupil	$ **118,571.04**	Average assessed valuation/pupil
MIN. Valuation/Pupil	$ **1,090.00**	Minimum assessed valuation/pupil
MAX. Valuation/Pupil	$ **730,785.00**	Maximum assessed valuation/pupil
Trimmed MEAN Valuation/Pupil	$ **106,112.36**	Average assessed valuation/pupil when the extreme outliers are removed from each end of the range (excludes values at top 10% and bottom 10% of range)
Statewide Valuation/Pupil	$ **95,874.30**	The assessed valuation per pupil for all of Kansas (i.e. if AVPP were equalized, this would be the standard amount per pupil for each district)
Standard Deviation	$ **77,382.46**	Provides a measure of how dispersed the data is in relation to the mean. Indicates that 68% of school districts have an AVPP level between 41K – 195K (and AVPP levels outside of this range are considered more extreme outliers).

Source: Refer to Assessed Valuation Impact Report for details. All assessed valuation data displayed is from the 2022-2023 Assessed Valuation Report from KSDE.

Before and After AVPP for USD 113 and USD 115

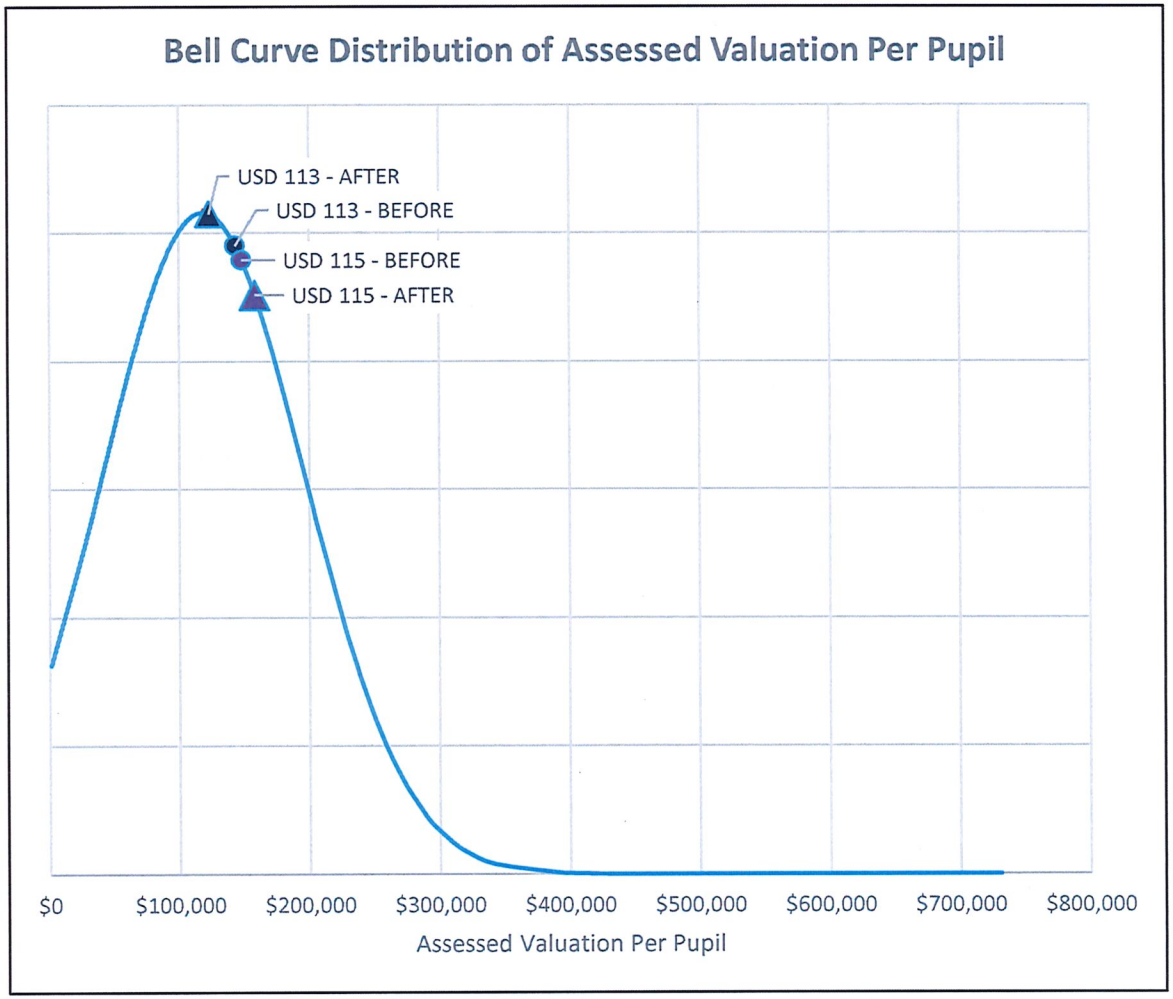
The proposed land transfer will change the current AVP levels, but both USD 113 and USD 115 will retain AVPP levels that are healthier than 65% of districts across the state.

BEFORE TRANSFER[1]	
Assessed Valuation	**2022-2023**
USD 113	$ 131,613,412.00
USD 115	$ 105,721,469.00

Valuation/Pupil	**2022-2023**
USD 113	$ 142,284.77
USD 115	$ 135,193.69
Transfer to USD 115	**$ 18,172,666.00**

AFTER TRANSFER[2]	
District	**2022-2023**
USD 113	**$ 113,440,746.00**
USD 115	**$ 123,894,135.00**

Valuation/Pupil	**2022-2023**
USD 113	$ 122,638.64
USD 115	$ 158,432.40



Source: Refer to Assessed Valuation Impact Report for details. All assessed valuation data displayed is from the 2022-2023 Assessed Valuation Report from KSDE.

Footnotes:

1) Before Transfer amount assumes the amount agreed to be transferred from USD 113 to USD 335 and USD 380 is completed as agreed

2) After Transfer amount assumes the amount agreed to be transferred from USD 113 to USD 115 is completed as agreed

3) All assessed valuation data displayed is from the 2022-2023 school year report. This decision was made to maintain traceability to data submitted in the initial petition. Refer to the 22-23 vs. 23-24 comparison sheet in the Assessed Valuation Impact Report (XLS file) for information about how the values would change if the report started from 2023-2024 school year values.

Will the transfer create **long term inequality** for USD 113?

Although USD 113's AVPP level will slide from $142K/pupil to $122K/pupil if approved as proposed:

- USD 113's AVPP will still be higher than ***90% of their peer group***
- USD 113's AVPP will still be higher *than* ***65% of school districts in the state***
- USD 113's AVPP will be ***30% higher than the statewide equalization level***

USD 113 had one of the largest districts and highest AVPP levels in the state prior to recent transfer discussions. This transfer will make USD 115's AVPP level higher than USD 113's AVPP level, but it is a transfer that is consistent with enrollment trends and growth patterns occurring in this region.

If the transfer is approved, both USD 113 and USD 115 will retain AVPP levels that are healthier than 65% of school districts across the state.

Source: Refer to Assessed Valuation Impact Report for details. All assessed valuation data displayed is from the 2022-2023 Assessed Valuation Report from KSDE.

USD 113 AVPP Peer Comparison

If the land transfer is completed as proposed, USD 113 will still have a **higher** land valuation **than over 90% of their peer group** (districts with 875 – 975 students enrolled).

Kansas State Department of Education
2022-2023 School Year

Assessed Valuation Report for Districts with 875 - 975 students

The table below provides a comparison of Total Valuation/Pupil for schools with 875-975 students (within 100 students of USD 113's 2023-24 school year enrollment of 925). The comparison demonstrates that USD 113 has the highest Assessed Valuation per student amongst its peers. If the transfers to USD 335, 380, and 115 are completed as proposed, USD 113 will still have a higher assessed valuation per pupil than all but 2 of the school districts in its peer group.

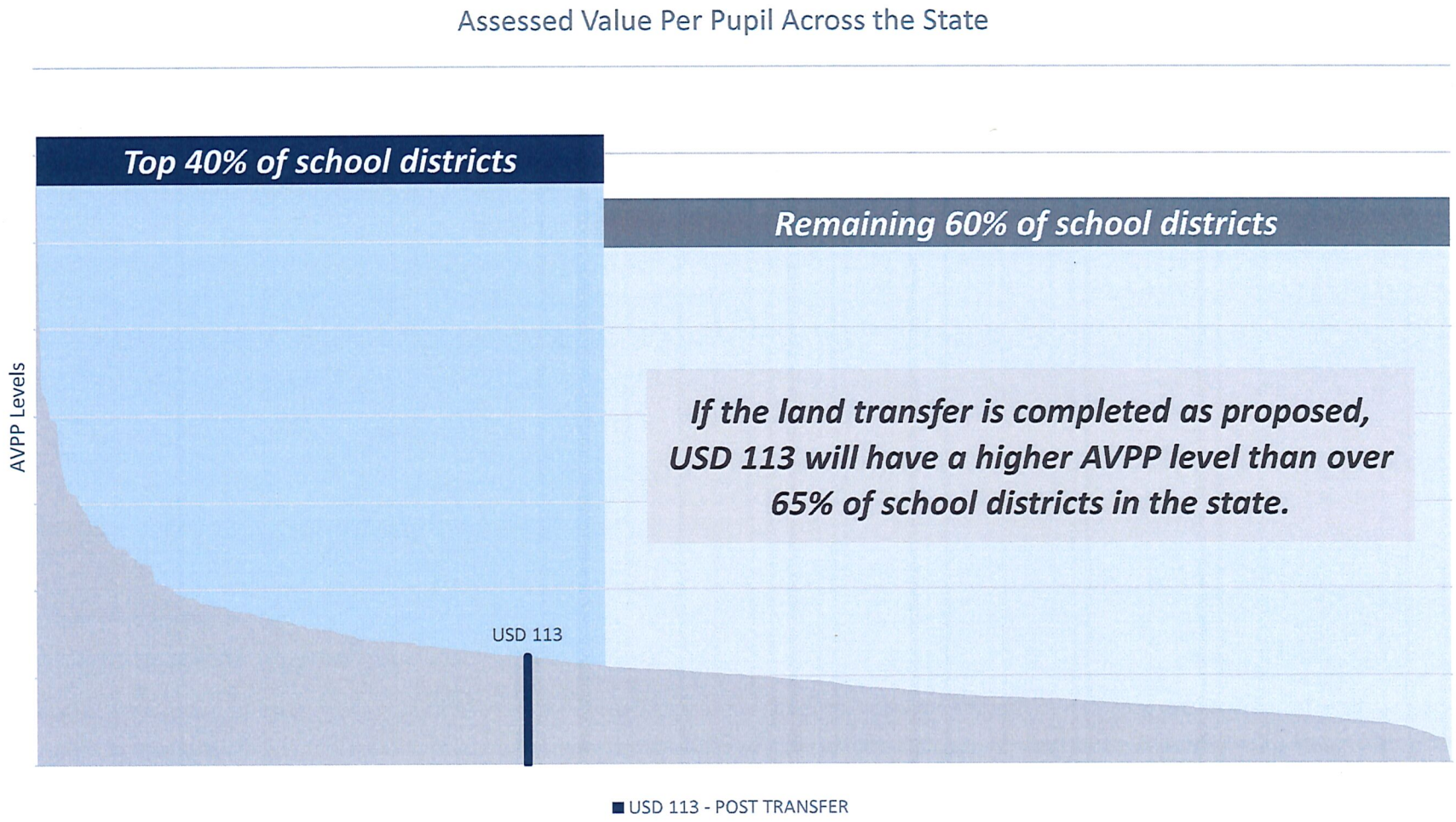
Data sorted by FTE Enrollment

USD #	District Name	County Name	[1] FTE Enrollment	Total Valuation	Total Valuation Per Pupil	State Rank
D0249	Frontenac Public Schools	Crawford	900.8	32,886,117	36,508	280
D0258	Humboldt	Allen	924.5	64,616,613	69,894	217
D0331	Kingman - Norwich	Kingman	875.6	74,618,285	85,220	175
D0400	Smoky Valley	McPherson	958.7	84,950,227	88,610	167
D0493	Columbus	Cherokee	907.8	83,009,664	91,440	163
D0352	Goodland	Sherman	893.0	96,392,728	107,943	126
D0466	Scott County	Scott	932.1	102,085,338	109,522	121
D0315	Colby Public Schools	Thomas	940.5	104,398,747	111,003	117
D0365	Garnett	Anderson	923.0	105,962,493	114,802	112
D0112	Central Plains	Ellsworth	961.2	112,941,667	117,501	107
D0113	Prairie Hills - POST TRANSFER (Post transfer to USD 335, 380, and 115)	Nemaha	925.0	113,440,746	122,639	100
D0363	Holcomb	Finney	936.6	116,684,766	124,583	96
D0113	Prairie Hills (Before transfer to USD 335, 380, and 115)	Nemaha	908.5	153,262,211	$ 168,698.00	54

Source: Refer to Assessed Valuation Impact Analysis file for additional details. USD 113's POST TRANSFER AVPP assumes the transfers to USD 335 and 380 are completed as agreed, and the transfer to USD 115 is completed as proposed.

USD 113's Statewide AVPP Level Ranking

If the land transfer is completed as proposed, USD 113 will still have a **higher** land valuation **than over 65% of school districts** in the state.



Source: Refer to Assessed Valuation Impact Analysis file for additional details. USD 113's POST TRANSFER AVPP assumes the transfers to USD 335 and 380 are completed as agreed, and the transfer to USD 115 is completed as proposed.

USD 113's AVPP Level Compared to Statewide Equalization Level

If the state decided to equalize the land available for taxation across the state, USD 113's "Post Transfer" AVPP levels would be **30% higher than the statewide equalization levels.**

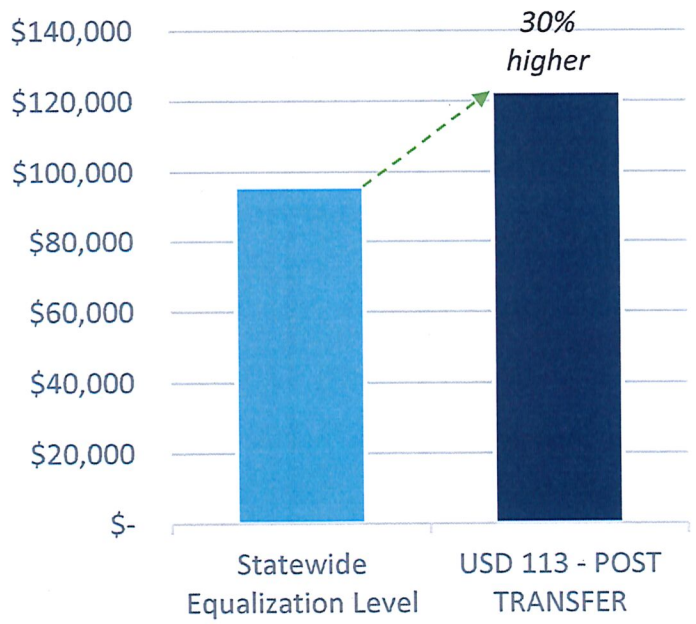
According to the KSDE Assessed Valuation Report for the 1022-2023 school year, there is **$44,577,425,899 worth of Assessed Land Valuation in the state of Kansas.**

According to the same report, there are **464,957 students** enrolled.

Therefore, **if the state equally split** the state's Assessed Valuation equally among all students ($44,577,425,899 divided by 464,957 students), **each district would receive $95,874/student in AVPP.**

If the land transfer is completed as proposed, **USD 113 will have an AVPP that is 30% higher than the statewide equalization level.**

Statewide AVPP Equalization



If the land transfer is completed as proposed, USD 113 will have an AVPP that is 30% higher than the statewide equalization level.

Source: Refer to Assessed Valuation Impact Analysis file for additional details. USD 113's POST TRANSFER AVPP assumes the transfers to USD 335 and 380 are completed as agreed, and the transfer to USD 115 is completed as proposed.

Do the **residents of Bern "owe" USD 113** for the consolidation deal made in 2010?

Financial Impact Point 3 of 3

Do the residents of Bern "owe" USD 113 for the 2010 consolidation deal?

USD 113 has received nearly $10.5M dollars from the 2010 consolidation deal and subsequent funding that has followed since the Bern school closed in May 2012.

If the residents of Bern "owed" USD 113 anything for accepting the consolidation deal in 2010 (as suggested by USD 113 Response to Petition), that debt has been PAID IN FULL.

Revenue Type	Amount	Note
Bern Student Consolidation Incentive (2012-2013)	$ 1,200,000.00	Estimated funding from Bern consolidation incentive after school closure (locked student count from 2010-2015)
Bern Student Consolidation Incentive (2013-2014)	$ 1,200,000.00	Estimated funding from Bern consolidation incentive after school closure (locked student count from 2010-2015)
Bern Student Consolidation Incentive (2014-2015)	$ 1,200,000.00	Estimated funding from Bern consolidation incentive after school closure (locked student count from 2010-2015)
Bern Student Consolidation Incentive (2015-2016)	$ 1,200,000.00	Estimated funding from Block Grant funding, which locked Bern students into USD 113 count from 2015-2017
Bern Student Consolidation Incentive (2016-2017)	$ 1,200,000.00	Estimated funding from Block Grant funding, which locked Bern students into USD 113 count from 2015-2017
Supplemental GF (LOB) Revenue	$ 2,807,996.54	Estimated Bern land value (12% of USD 113 land value) and applied USD 113's actual SGF Mill Rate for each year 2012-13 - 2023-24)
Capital Outlay Revenue	$ 917,563.95	Estimated Bern land value (12% of USD 113 land value) and applied USD 113's actual Capital Outlay Mill Rate for each year 2012-13 - 2023-24)
Transportation Funding	$ 630,000.00	Estimated USD 113 students living in Bern territory at 21 and assumed annual transportation amount of $2500/student for each year (2012-13 - 2023-24) (21 students * 2500/student rate * 12 years)
Grand Total	**$10,355,560.49**	

Source: Refer to Estimated Financial Impact Analysis spreadsheet for details. The spreadsheet includes Mill rates from 2012-13 through 2023-24 and provides details and assumptions used to calculate estimated financial impact.

Can USD 113 manage the transition to a new AVPP level?

If USD 113 utilizes the residual funding from the Wetmore School closure to cover transition costs, they have enough funding to cover the "lost funding" for 10.7 years.

As established in previous slides, USD 113's annual budget will be impacted by ~$150K/year if the land transfer to USD 115 is approved as proposed:

Capital Outlay Fund	Transportation Fund	Estimated Impact
$100K (.6%)	$50K (.3%)	$150K (.9%)

The USD 113 Superintendent has published multiple documents confirming that USD 113 will receive approximately $1.6M in residual funding from the Wetmore school closure unless the school funding formula is changed (USD 113 will receive Base Aid Per Pupil funding for Wetmore students for 2 years, even though less than 5 students remained in USD 113 after the school closure).[1]

If USD 113 utilizes this residual funding to cover transition costs, they would have enough funding to cover the "lost funding" for over 10 years.

$1.6M ÷ $150K = 10.7 Years

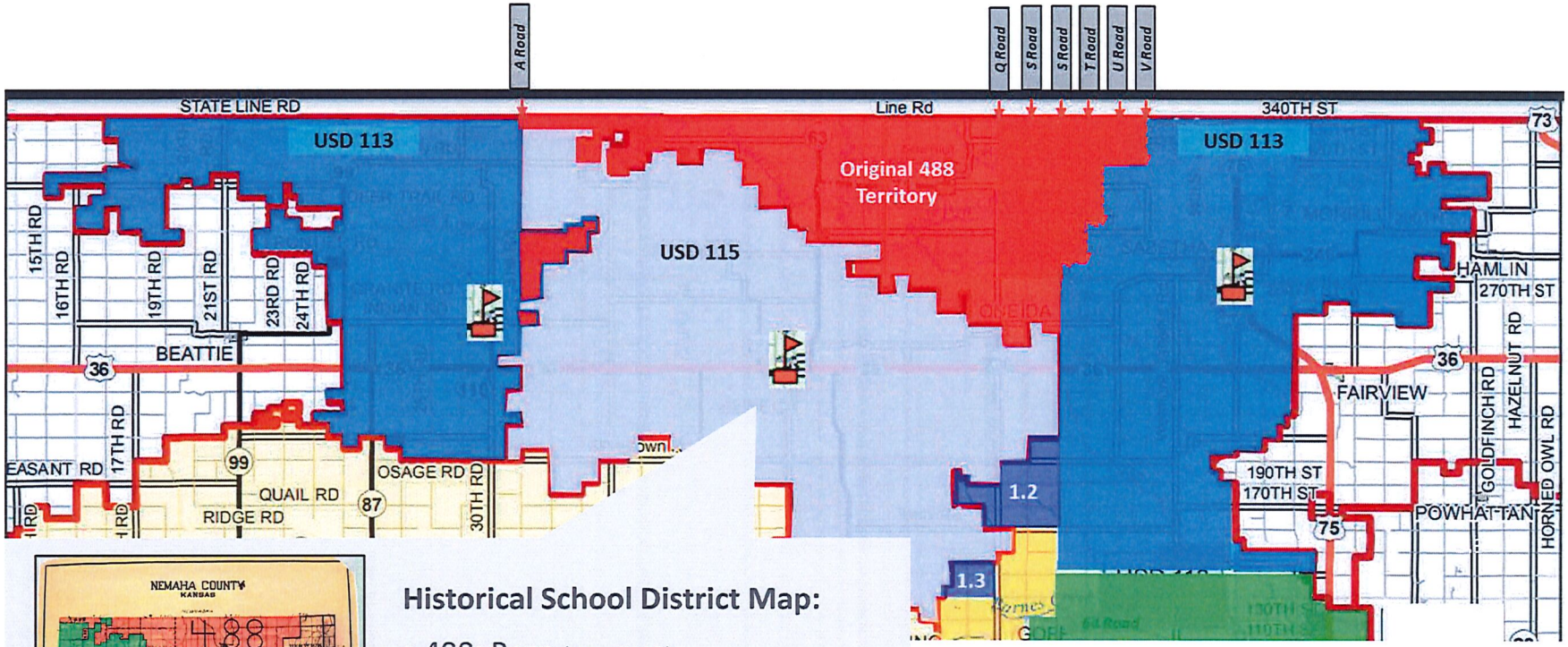
Source: Refer to USD 113 FAQ website for Superintendent's explanation regarding how much residual funding USD 113 will receive for Wetmore students that are no longer attending USD 113 schools: https://www.usd113.org/vnews/display.v/ART/643572326561b

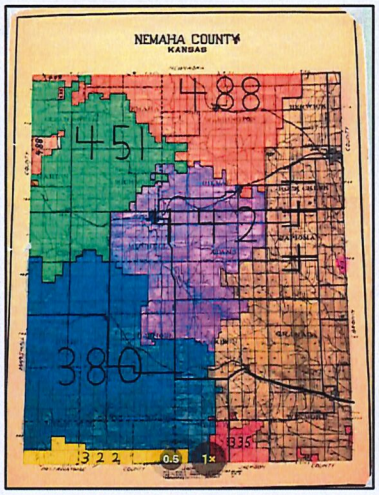
Closing Arguments

Data, Reason, Equity, and Empathy

Historical Bern Territory (USD 488)

Bern's original territory extended east all the way to V Road, and also included the small "western island" section on the western edge.





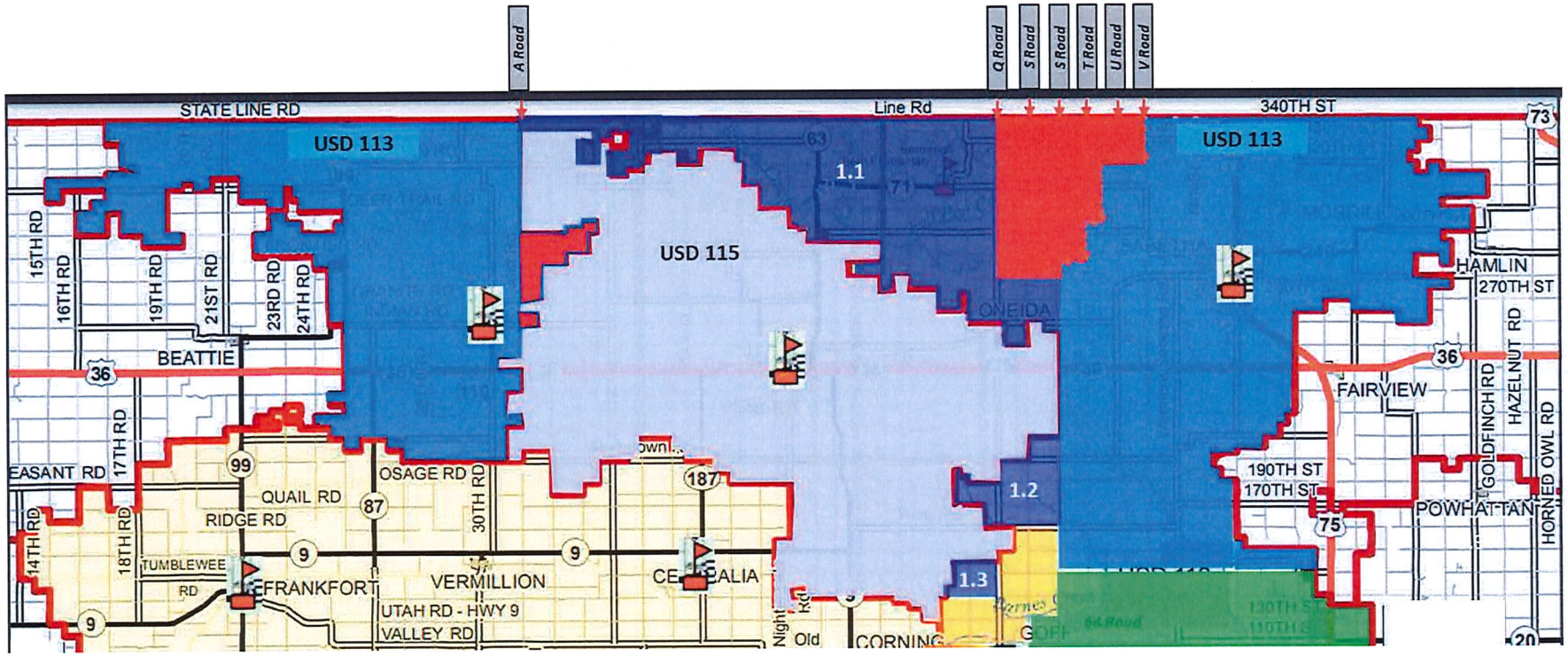
Historical School District Map:

- 488: Bern (now #113)
- 451: B&B (now #115)
- 442: Nemaha Valley (now #115)
- 441: Sabetha/Wetmore (now #113)

This map was obtained from the Nemaha County Courthouse. The map is not dated. It does not include information for surrounding counties.

Getting to an "Equitable" Middle

The proposal prepared by USD 115 (and the residents who live in the Transfer Area) provides a fair, reasonable, and data-driven approach that was intentionally designed to reflect student enrollment trends, landowner preferences, and geography/travel time realities in the area.



Any decision of the hearing officer should be supported by the data. Extensive databases have been developed for this effort, and all details can be made available to support "what if" analysis that automatically shows how inclusion of any section would impact the key criteria for each district.

Closing Statement

The data obviously and overwhelmingly supports the proposed transfer to USD 115, but input from the State Board of Education is required to help reach an equitable agreement.

The data obviously and overwhelmingly supports the proposed transfer to USD 115:

- Over 75% of the students in the Transfer Area already attend USD 115, and only 21 students from USD 113 will be impacted by the change (2% of USD 113 enrollment).[1]
- Over 75% of the landowners in the Transfer Area are supportive of their land being transferred to USD 115, and only one small section of the land has any meaningful opposition (21% of landowners from Section 1.13 prefer to remain in 113).[2]
- Over 75% of the map sections in the Transfer Area are geographically closer to USD 115, and USD 115 is the logical choice for patrons based on daily living patterns and matters of commerce in this area.[3]
- The financial impact to USD 113 is nominal (less than 1% of overall district budget), and USD 113 has sufficient cash reserves (fully funded at recommended 20% level) and residual funding ($1.6M between 2023-2025) to manage the transition without any adverse impact to students or the long-term viability of the USD 113 campuses.[4]

USD 113 has tried to get the petition thrown out on a technicality, and they have made it clear that they don't intend to work towards a mediated agreement regardless of what the people and data indicate would be fair and appropriate.

Pursuant to K.S.A. 72-532, the people from the transfer area and the USD 115 Board of Education respectfully request the State Board of Education to review the facts of the petition, and to help facilitate the establishment of an equitable agreement for the people and school districts impacted by this land transfer request.

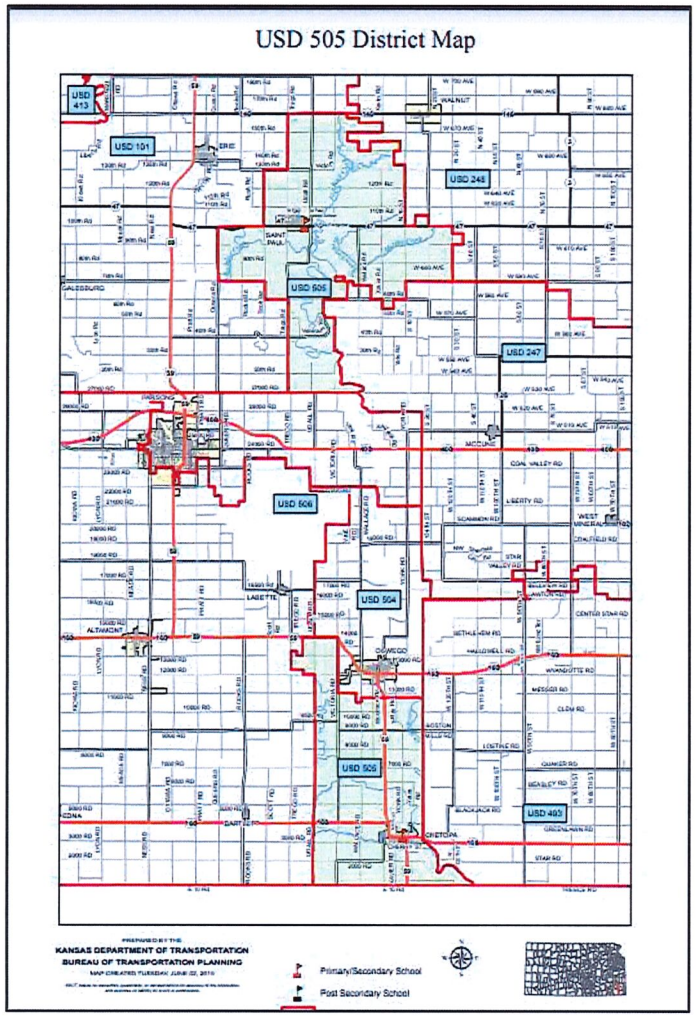
Footnotes: Refer to slides 13-23 for detailed information about student enrollment, landowner preferences, and geography travel time questions related to the Transfer Area.
1) Refer to slides 14-19 for detailed information about student enrollment. There are a total of 89 students directly within Transfer Area boundaries (68 attend USD 115, 21 attend USD 113). Refer to slide 21 for broader overview of student enrollment data (94% of students in area surrounding Transfer Area attend USD 115).
2) Refer to slide 23 for detailed information about landowner survey results (61% of landowners in Transfer Area prefer transfer to USD 115 and 16% are neutral, bringing total supportive of transfer to 77%).
3) Refer to slide 22 for detailed information about geography and travel time (63% of map sections are closer to USD 115, with an additional 9 sections that are categorized as "No Road" that are also closer to USD 113, bringing total to 81%)
4) Refer to slides 23-28 for additional information about financial impacts to USD 113 (estimated impact to USD 113 is $150K/year, which is less than 1% of USD 113's overall budget).

Appendix 1

Key supporting documents

Non-Contiguous School Districts

There is at least one other district (USD 505) in the state of Kansas that is separated by a significant land distance and the Commissioner of Education confirmed that this is allowable under Kansas law at the KS BOE meeting in February 2023.



- USD 505 is comprised of two communities: Chetopa and Saint Paul
- On July 1, 2005, Saint Paul School was approved by the KS Board of Education to transfer territory and real property from USD 101 (Neosha) to USD 505
- The district's campuses are **41 miles apart**, with no adjoining property
- Commissioner of Education, Randy Watson, verbally confirmed and stated that districts with no adjoining property are allowable under Kansas Law at the State Board of Education meeting in Topeka, Kansas on February 14, 2023.

Appendix 2

Application of legal standards for transfer

What are we here to determine under K.S.A. 72-532?

Whether land transfer is in the **best interests of students** in the region.

- The Legislature has mandated that the State Board of Education take a "totality of the circumstances" approach by considering at a minimum, the **11 statutory factors** listed in K.S.A. 72-532.
- KSDE's guidelines summarize "**totality of circumstances**" approach:
  - The ultimate consideration must be the long-term effect a transfer would have on students living in: (1) the petitioned area, (2) the receiving district, and (3) the giving district. It also must include whether the transfer would add to the general improvement of the public schools in the state and the equalization of the benefits and burdens of education throughout the effected communities.

Options for hearing officer - K.S.A. 72-532(e)

- This is not an either-or question. The hearing officer may recommend transfer of **any portion** of the Petitioned Area to maximize equity and minimize financial detriment. USD 115 has repeatedly sought discussion with USD 113 to attempt drawing the most equitable transfer map. Petitioned Area is USD 115's attempt.
- USD 115 has been **deliberately precise** in proposing the specific parcels within the Petitioned Area.
  - It has not sought all portions of territory that were traditionally within the USD 488 boundaries.
  - It has not sought "high value land" with no resident USD 115 students.
  - USD 115 has only sought land that would incorporate the USD 115 students living in the area in a geographically reasonable manner.
  - **This has never been about the money for USD 115.**

The data overwhelming supports the transfer of the entire Petitioned Area with no inequitable result to USD 113.

Totality of Circumstances: Equitable Solution for Region

Mandatory statutory factors to be considered (K.S.A. 72-532(d)):

(1) City boundaries and the area within three miles surrounding any city with more than one district in the area;
(2) available capacity of districts involved in the territory transfer to serve existing or additional students;
(3) condition and age of buildings and physical plant;
(4) overall costs including renovation of existing buildings versus construction;
(5) cost of bussing;
(6) food service;
(7) administration and teachers;
(8) areas of interest including access and distances for parents to travel to participate in student activities;
(9) matters of commerce, including regular shopping areas, meeting places, community activities and youth activities;
(10) districts that are landlocked with changing demographics that cause declining enrollment; and
(11) effect on students living in the area.

Totality of Circumstances: Equitable Solution for Region

- Other non-express factors **may** be considered. K.S.A. 72-532(d).
- Material changes of circumstances, while not listed in statutory factors, nevertheless exist in this matter.
  - 2023 bond issue in USD 115
  - Resulting additional capacity for USD 115 in fall 2024
  - Regional closure of several schools by USD 113 over the past decade
  - Annual growing enrollment of students in Petitioned Area in USD 115
  - 68 students in Petitioned Area enrolled in USD 115 for 2023-2024 school year (91 USD 115 students live in USD 113 territory - 12% of USD 115 total enrollment)

USD 115's targeted approach to Petitioned Area:

USD 115's targeted approach in proposing the transfer of the Petitioned Area would accomplish each of these things:

- Transfer of the land of USD 115's out of district students representing 12% of USD 115's total enrollment;
- Transfer of the land of only 2% of USD 113's total enrollment;
- Recognition of the over $10 million that USD 113 has received from the Petitioned Area since closing the Bern school in 2013;
- Giving the vast majority of students and their families (75%) in the Petitioned Area representation in school board elections, while shifting only a small minority of USD 113 students into USD 115.
- Recognition of the overwhelming public support for transfer in Petitioned Area and communities of interest between Seneca and families/landowners;
- No serious financial detriment to USD 113 when considering the equitable allocation of ad valorem and transportation funding in the region as a whole (reduction in only 1.9% of USD 113's annual budget).

Options for hearing officer - K.S.A. 72-532(e)

1. Recommend approval of transfer of Petitioned Area petition as submitted, subject to modification by state board of approval of USD 335 / USD 113 agreement
2. Recommend denial.
3. Recommend approval of transfer of a **portion** of Petitioned Area to more precisely reflect vast majority of area with **few** or **no** USD 113 students.

Losing the **forest of chronic inequity** through the **trees of technicalities** would do a **great disservice** to the students and families in this area.

HO EXHIBIT
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USD No. 113 Prairie Hills

Hearing Presentation

March 22, 2024

K.S.A. 72-532 permits land transfers:

1) Upon written agreement of any two local boards of education (and approval by KSBE).
2) Upon order of KSBE after petition and public hearing.

KSBE Guideline V
Land Transfer Considerations

1) The ultimate consideration must be the long-term effect a transfer would have on students living in: (1) the petitioned area, (2) the receiving district, and (3) the giving district. It also must include whether the transfer would add to the general improvement of the public schools in the state and the equalization of the benefits and burdens of education throughout the affected communities.
2) To justify taking land, by petition, from one school district and giving it to another, a material change in circumstances of a substantial and weighty nature must exist so that a reasonable person would recognize that the educational interests of all affected children (inside and outside of the transfer area) could be better served by adjusting district boundaries, without any serious detrimental effect upon students or upon the district from which the land will be transferred.

KSBE Guideline V
Land Transfer Considerations 1)

The ultimate consideration must be the long-term **effect** a transfer would have **on students** living in:

(1)the petitioned area,

(2)the receiving district, and

(3)the giving district.

It also must include whether the transfer would

add to the general **improvement** **of the public schools** in the state and the **equalization** of the benefits and burdens of education throughout the affected communities.

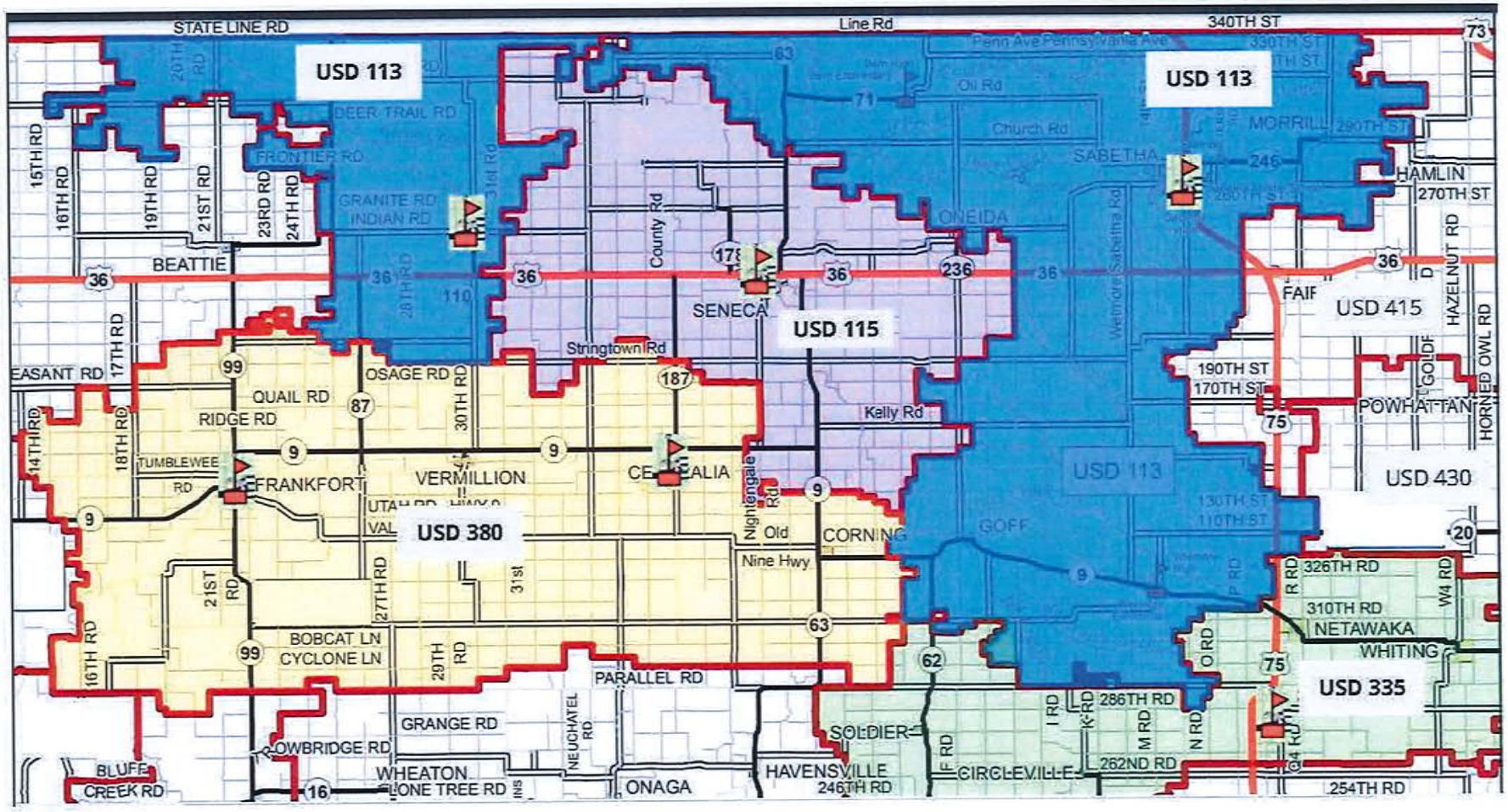
KSDE Guideline V
Land Transfer Considerations 2)

To justify taking land, by petition, from one school district and giving it to another,

a **material change in circumstances** of a substantial and weighty **nature must exist**

so that a reasonable person would recognize that the educational **interests of all affected children** (inside and outside of the transfer area) could be **better served** by adjusting district boundaries, **without** any serious **detrimental effect** upon students or upon the district from which the land will be transferred.

Current Map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INDIAN RD
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HORNED OWL RD
POWHATTAN
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Kelly Rd
Nightengale Rd
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CORNING
QUAIL RD
RIDGE RD
OSAGE RD
TUMBLEWEED RD
FRANKFORT
VERMILLION
CENTRALIA
BOBCAT LN
CYCLONE LN
PARALLEL RD
GRANGE RD
ROWBRIDGE RD
WHEATON
LONE TREE RD
ONAGA
HAVENSVILLE
246TH RD
SOLDIER
CIRCLEVILLE
262ND RD
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326TH RD
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NETAWAKA
WHITING
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BLUFF CREEK RD
NEUCHATEL RD
County Rd
Church Rd
Oil Rd
Penn Ave Pennsylvania Ave
Wetmore Sabetha Rd
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History

- 2009

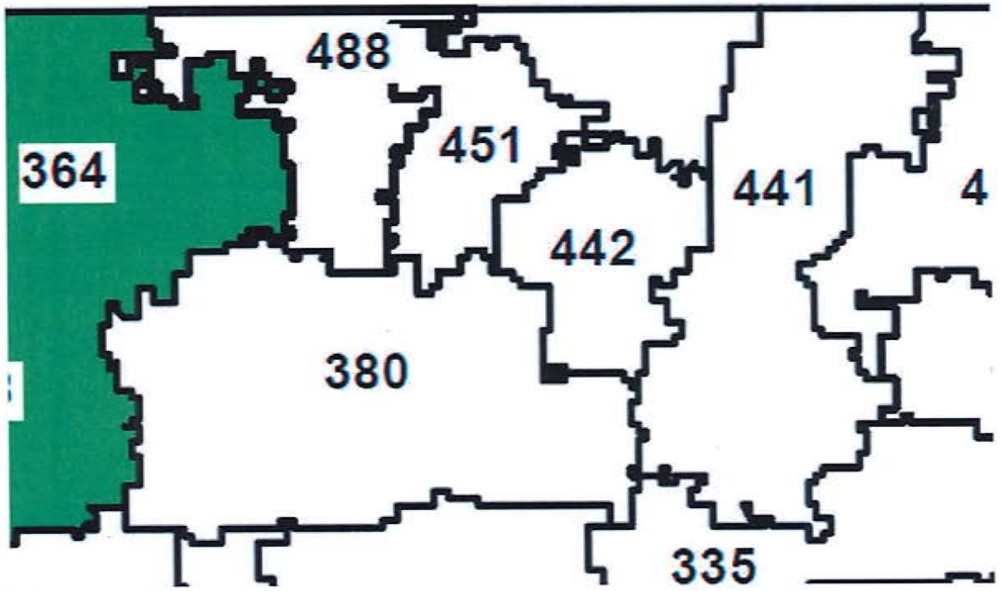
  USD 442-Nemaha Valley and USD 451-B&B rejected consolidation with No. 488 Axtell-Bern-Summerfield

- 2010

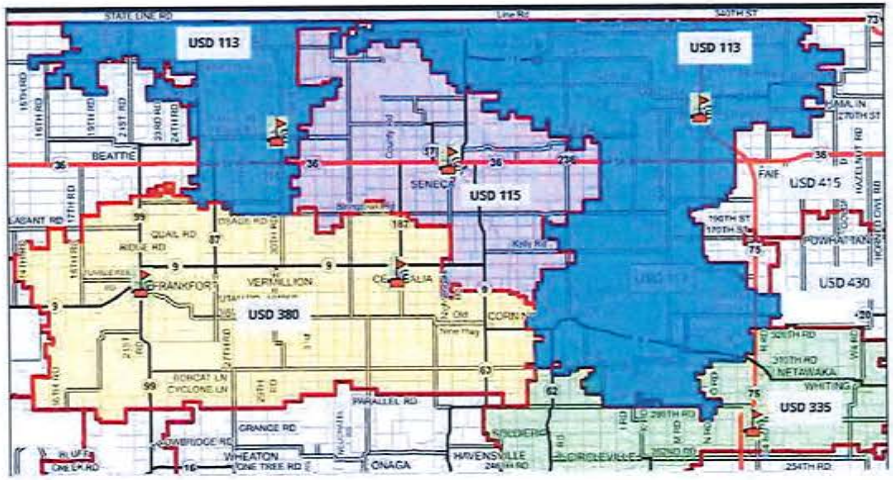
  USD No. 113 was formed by the consolidation of USD No. 441- Sabetha and USD No. 488 Axtell-Bern-Summerfield, after a vote by the electors of the two districts

- 2011

  USD No. 442-Nemaha Valley and USD No. 451-B & B consolidated into USD No. 115–Nemaha Central. The consolidation was voted upon and approved by the Boards of Education for both Districts and approved by the voters of both districts.

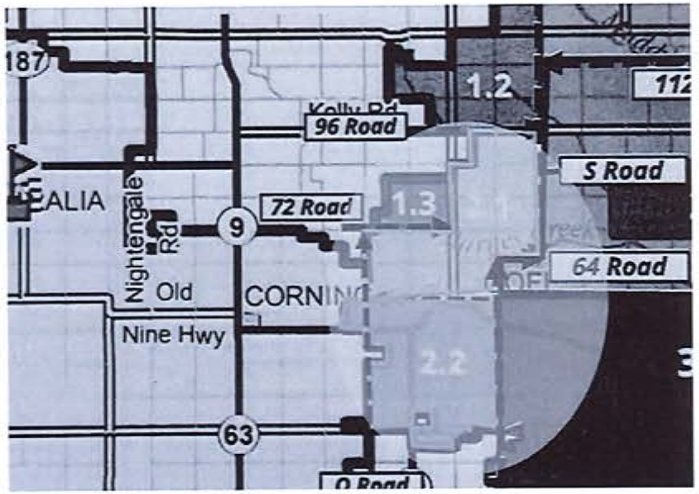


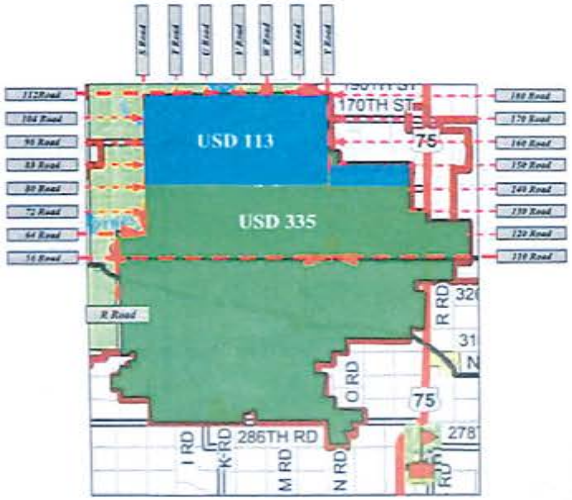
Current Map



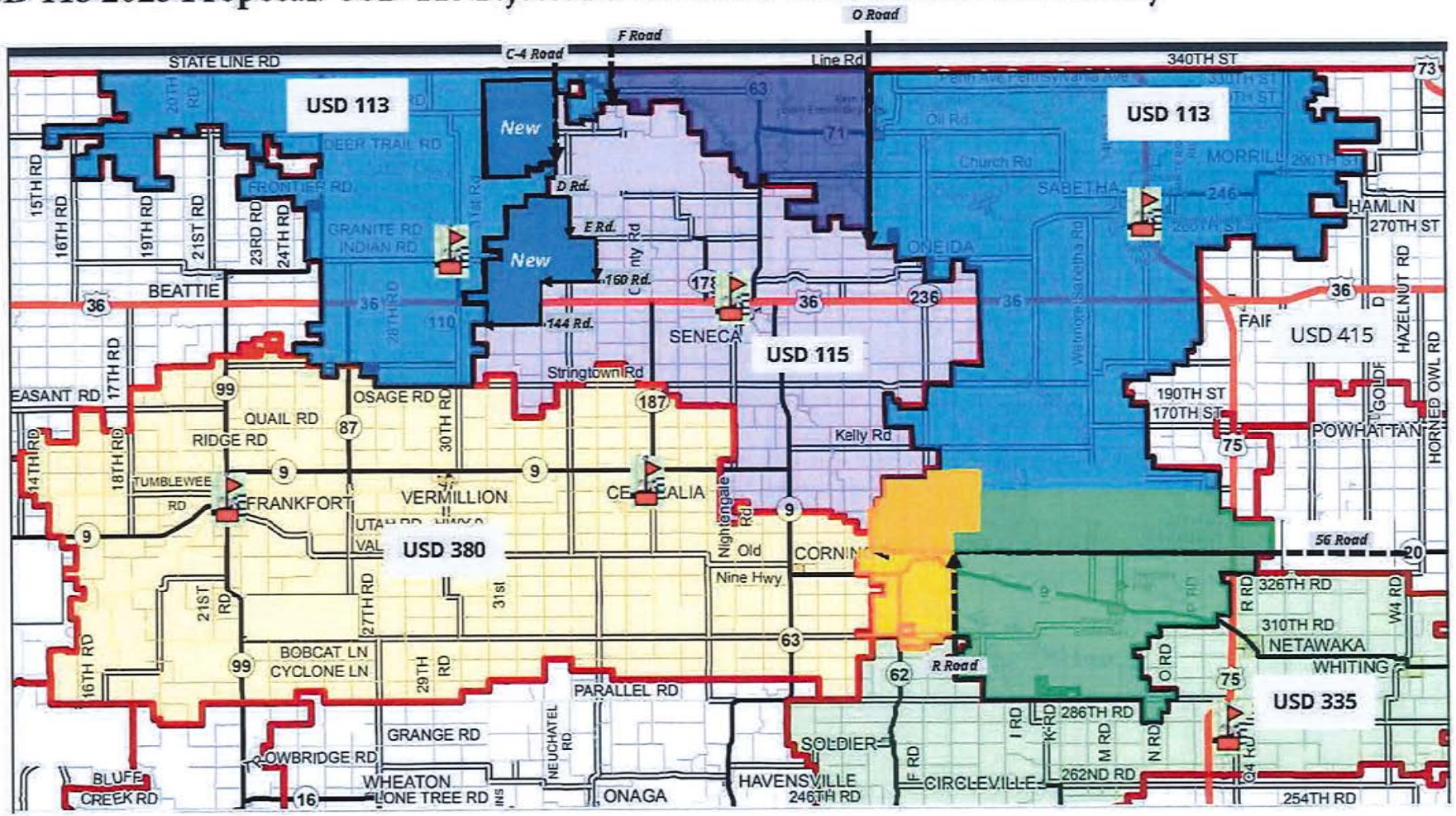
Impact of 2023 Wetmore closure addressed through agreed, mediated Transfers

USD No. 113-Prairie Hills reached mediated agreements with USD No. 380-Vermillion and USD No. 335-Jackson Heights to transfer the territory affected by the closure of the Wetmore attendance center by USD No. 113 in May 2023.



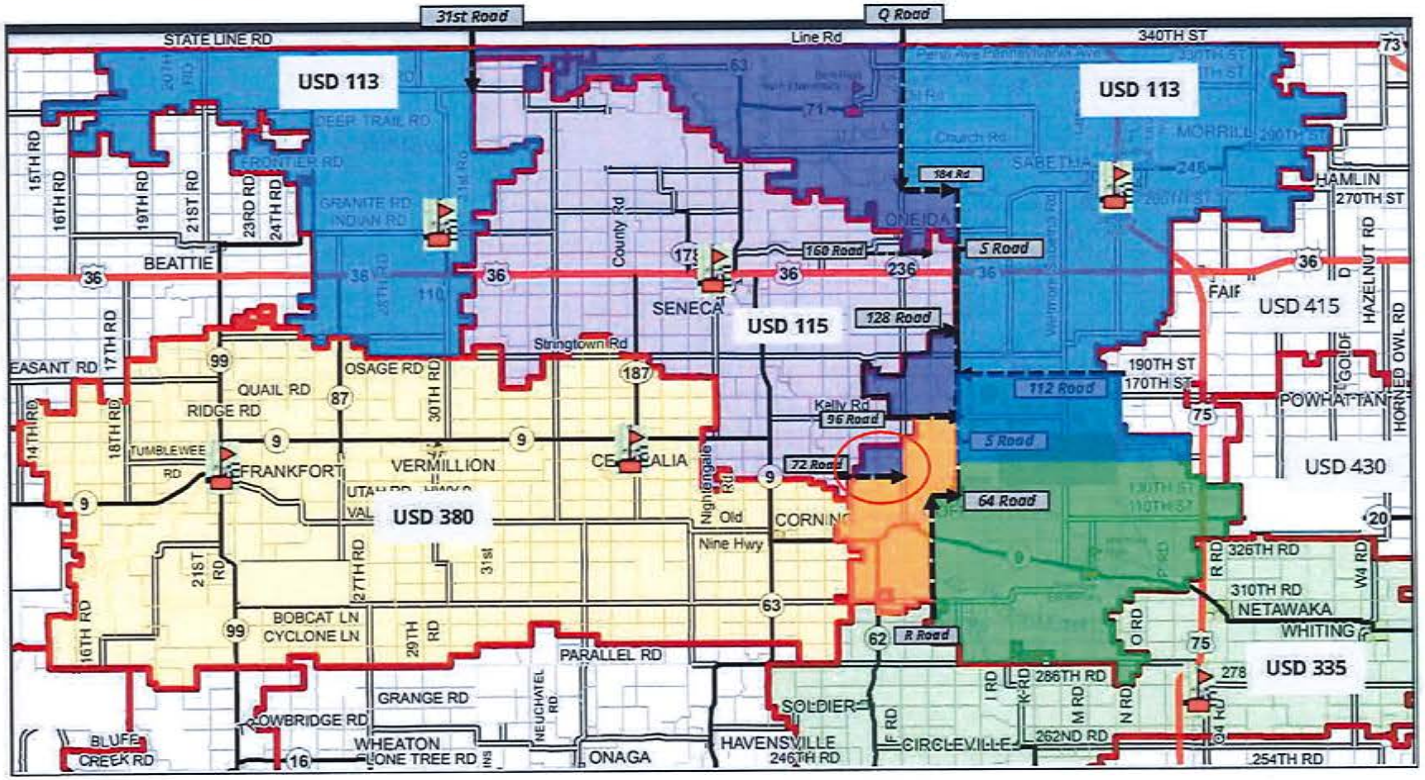


USD 113 2023 Proposal. USD 115 rejected a valuation-neutral trade of territory



USD 115 proposes to only to take.
From USD 113 and from USD 380 as well.

USD 115 Proposal



“Survey”

KSBE has a form for the collection of valid, reliable data.

USD 115 offers results of informal telephone surveys.

HEARING DATA

Hearing to consider transfer of territory from USD No. 113 to USD No. 115.

Location of Hearing _____

Date and Time of Hearing _____

Name of Resident Elector _____

Location of Home Section _____ Township _____ Range _____
(Please give exact description, as W ½ of Sec. 6, T 15, R5; or SW ¼ of SE ¼ of Sec. 4, T 8, R 18, etc.)

Are you owner or tenant of above? _____ How many acres in above? _____

Description of other property owned in petitioned area, if any _____

_____

_____ Total number of acres _____

Description of other property rented in petitioned area, if any _____

_____ Total number of acres _____

Number of children:
1. In high school _____ Where attending _____
2. In grade school _____ Where attending _____
3. Pre-school _____

Name of non-resident landowner _____
(Use space above for description of property owned)

Statement of preference (complete one only):
I prefer to remain in Unified School District No. _____
I prefer to transfer to Unified School District No. _____
I have no district preference. _____

Signature of elector of
non-resident landowner _____

Post Office Address _____

Date of Signature _____

This data sheet submitted by the Board of Unified School District No. _____

8-2007

Summary

- The choices made by USD No. 115-Nemaha Valley do not warrant a transfer of territory.
- Distance is not a material factor.
- The proposed transfer does not improve public schools in Kansas.
- The proposed transfer negatively affects equalization.
- The proposed transfer breaks contiguity.
- There is no material change in circumstances justifying the transfer of territory.
- Adjusting district boundary does not better serve the educational interests of all students (or any student).
- The proposed transfer seeks to transfer territory that to be transferred by agreement to USD No. 380 which creates an unwaivable conflict that requires disqualification of counsel who represents both USD No. 115 and USD No. 380.
- USD 115 lacks capacity serve existing or additional students from petitioned territory.
- The transfer requested changes the status quo only by shifting valuation from USD No. 113. USD 115's petition assumes all other factors will remain the same.

The petition should be denied.

USD 115's DEMAND OF 113 LAND

What's not OK with 115 being awarded 77.5 Square Miles (**$18,172,666 in USD 113 valuation**)?

—

KANSAS TAXPAYERS WOULD FOOT THE BILL!

USD 113 Prairie Hills
Preparing Kids, Shaping the Future

Why are taxes and equalization relevant to the 115 petition for 113 land?

The Kansas State Board of Education Guideline for land transfer indicates that a primary consideration for a request to take land from one district and give it to another is the impact on equalization of benefits.

01

The ultimate consideration must be the long-term effect a transfer would have on students living in: (1) the petitioned area, (2) the receiving district, and (3) the giving district. It also must include whether the transfer would add to the general improvement of the public schools in the state and the equalization of the benefits and burdens of education throughout the affected communities.

What is the Supplemental General Budget?

SUPPLEMENTAL GENERAL FUND (SGF)– Also known as the Local Option Budget (LOB), this is additional budget authority for operating expenses, similar to the general fund. Boards of education may adopt up to 30% of the general fund, or 33% subject to protest petition. Funding is from local property taxes and **equalized state aid.** Any cash balance carried over reduces the succeeding year's property tax.

What is the Equalization Formula?

The State Equalization Formula for the SGF treats each school district as if its assessed valuation per pupil (AVPP) were equal to that of the district at the 81.2 percentile of AVPP. Therefore, any district with an AVPP above the 81.2 percentile receives no Supplemental State Aid.

Why it Matters?

When it comes to the State of Kansas' SGF, there are 2 categories of districts in the State.

USD 113

The 89% of the districts that receive State Aid.

1 Of the 89% that receive State aid

USD 113 is one of the 89% of Kansas Districts which receives state aid. As valuation decreases, such as through a forced land give-away, state aid increases. This costs the state of KS $!

USD 115

The 11% of districts wealthy beyond the State's Equalization Formula.

USD 115 is wealthy beyond the State's Equalization Formula

USD 115 is **historically** one of the 11% of Kansas districts wealthy beyond State Aid. As their valuation increases, such as through a forced land give-away, taxpayers pay less mill rates (at the cost of KS taxpayers who will pay the increase in state aid to the "giving" district).

Does The Equalization Formula Make It Equal?

NO. How can we tell?

By looking at Mill Rates levied, we can see a substantial difference between how much tax 113 levies and what 115 taxes its constituents.

Average FY18-22		State	USD 113	USD 115
	GF	20	20	20
	SGF	17.6402	16.358	14.9898
	CO	6.9846	5.2954	0
Total Mill (5 yr. ave.)		44.6248	41.6534	34.9898

USD 115 pays 78% of the state average Mill Rate for these funds.

NOTE

USD 115 has never levied a Capital Outlay Tax since they have existed!

The General Fund (GF), Supplemental General Fund (SGF), and Capital Outlay (CO) funds are available for operational expenses.

Average Expense Per Pupil

Doesn't a district have the flexibility to choose to levy less taxes and spend less on education?

YES, but...

Average FY18-22		State	USD 113	USD 115
	GF	20	20	20
	SGF	17.6402	16.358	14.9898
	CO	6.9846	5.2954	0
Total Mill (5 yr. ave.)		44.6248	41.6534	34.9898
Average FY18-22 Exp. Per Pupil		$12,817	$12,722	$12,786

USD 115 is taxing considerably less and Spending about the same money per student? **YES.**

NOTE

USD 115 hosts a special education cooperative. In order to provide an apples to apples comparison, these costs have been removed according to actual budget expenditures available through KSDE.

A good deal for USD 115 NOT Kansans

What would happen if USD 115 were awarded the **$18,172,666** in valuation being requested?

The additional petitioned valuation would **increase** 115's valuation **17%**! This **drops** the SGF mill levy to existing 115 taxpayers an additional 17%!

You mean the taxpayers paying the least would pay even less?

Yes, the FY 23 SGF Legal Max (Legal budget) for 115 was $1,794,763.

17% is $305,109. This amount would be **diverted from 113 taxpayers to 115**.

Are there other implications?

Since transferred land reportedly does not have to pay on an existing bond issue, and since operational fund mill rates can be predicted from history, landowners desiring to have land transferred to USD 115 would pay considerably less in taxes at the expense of Kansans funding the equalization formula.

01 Would this be an incentive to desire land to be transferred?

02 Was the legislative intent of (72-532) the transfer law to allow landowners to opportunistically pursue cheaper taxes?

Because of the inequity that currently exists, and because that inequity would be significantly magnified through additional valuation being granted to 115, the school district can decide to spend more per student for the education of their children than the 89% of Kansas Districts not wealthy-beyond-the-equalization-formula. Not only is there an inequity of taxation, there is the potential for an inequity in the quality of education as reflected in expenditures per student.

Examples of changes which do not constitute a material change in circumstances for purposes of transferring land from one district to another include, but are not limited to:

A a change in a local board of education's transportation policy to prohibit buses from adjoining school districts from entering the district to transport students;

B a change in school district property taxes; or

C **a land transfer request which is primarily to gain a financial advantage for individuals,** such as, assisting in suburban land development.

What does all of this mean?

As the State Board of Education examines the non-improvement of this transfer to the public schools in the state this information, in and of itself, should result in an obvious **refusal** to grant the 115 petition.

REMEMBER THIS GUIDELINE

01

The ultimate consideration must be the long-term effect a transfer would have on students living in: (1) the petitioned area, (2) the receiving district, and (3) the giving district. It also must include whether the transfer would add to the general improvement of the public schools in the state and the equalization of the benefits and burdens of education throughout the affected communities.

What's the Bigger Picture for consideration by the KS State Board of Education with the land demand by 115?

Statewide implications?

What are the precedents being set?

KS has encouraged school consolidation for districts as a form of efficiency for the state?

Aug & Meyer & 2010 LPA

- Efforts have been made by the KS legislature to authorize studies that provide the documentation for school consolidation & inefficient school closure
  - Aug & Meyer Multiple (2001)
  - 2010 LPA
    - "Long term support for districts"

FY 23 saw 2 school closures that have changed the landscape for school districts with a need to close schools.

If KSBOE supports the 115 claim for land, this action will deter future consolidations & closure of inefficient schools.

"New" strategies evolving from 2023 school closures

- Disorganization Strategy.
- Galvanizing neighboring districts to form alliances to collectively seize resources during a time of district vulnerability.

Disorganization Petition

- Wilson School – partial closure resulted in USD 112 fighting for its very survival – disorganization petition was filed. Constituents spent resources and time lobbying for votes to keep the district from non-existence!
- Wetmore school closure – threat of disorganization petition was used as extortion to influence the 115 BOE & neighboring BOEs to get what they could from a reeling & grieving 113.

An Additional Impact of the threat of the Disorganization Petition

- In a community meeting, in this very room, Bern constituents and USD 115 representatives were encouraged to demand a land take-away from USD 113 because of the "big stick" of the disorganization petition. The message was that the threat of the 113 disorganization petition made PH vulnerable to additional demands.

Would KSBOE support for a land give-away set precedent that would negatively impact KS?

- Message to other KS districts:
  - Why consolidate? Be willing to face disorganization election and/or hostile land grabs by neighbors.
  - Domino effect. –
    - Does land given from 113 that depletes resources change its circumstance so USD 113 feels compelled to demand land from USD 415?
    - Does USD 415 then look to their neighbors to take land?
    - What about other districts with out-of-district students from specific areas?
    - How far across the state of KS will this spread?

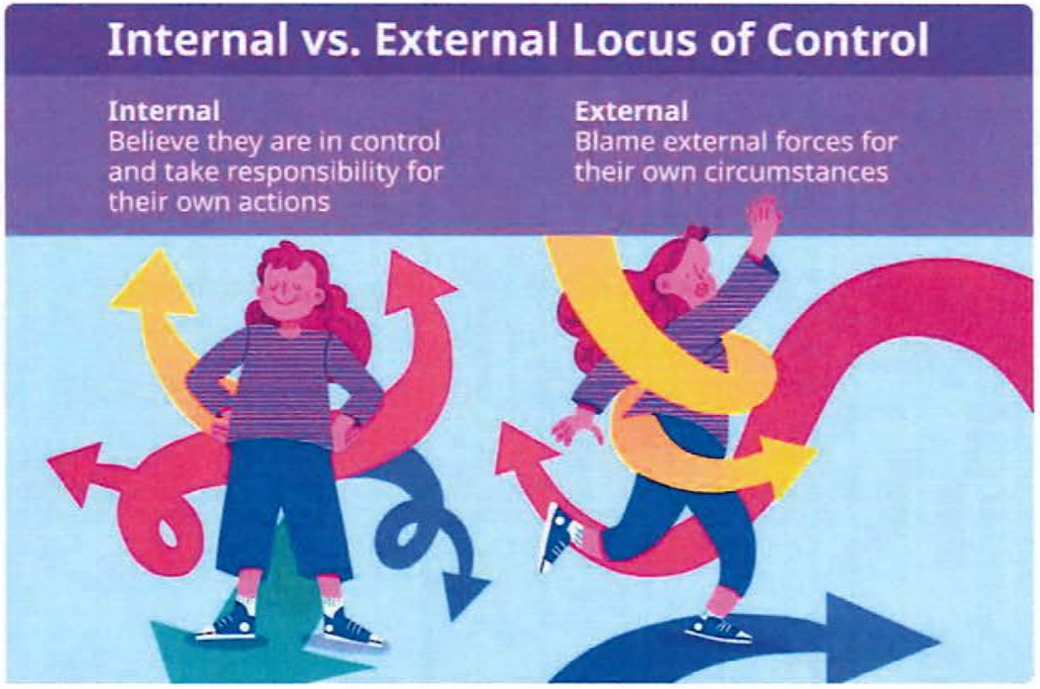
Conclusions

- The impact of this decision goes beyond USD 113 and USD 115. A precedent would be set for future petitions across the state connected to out of district students. Encourages district vs. district - Neighbor vs. Neighbor Culture of Conflict.
- By not supporting this petition, the KSBOE will send a message to Kansas that:
  - They stand against the amount of money & resources spent on fighting this issue as opposed to educating children.
  - They stand against the disruption to educational operations that these transfer issues present.
  - They support local BOE time to be spent on educating students & developing vision vs. defending the district.
  - Support local control to settle these types of issues.

Choices

NATURAL CONSEQUENCES

Locus of Control



1. USD 442 (Nemaha Valley) chose to not consolidate with USD 488.

- USD 488 Transitional Board of Ed. Member: Sabetha/Wetmore was the ONLY district who was willing to give Bern a chance. B&B and Nemaha Valley were NOT willing to give Bern that chance.

2. USD 442/115 Chose to accept some students from the Bern area.

Nemaha Central Headcount enrollment f						Estimate	GF BSAPP	115 GF from 113 students
	NCES	NCHS	B&B J	B&B Elem				UNWEIGHTED
								$ -
2024	531	224			755	71.5	$ 5,088.00	$ 363,792.00
2023	516	221			737	67.8	$ 4,846.00	$ 328,451.11
2022	496	219			715	67.8	$ 4,706.00	$ 318,962.22
2021	424	211			635	67.8	$ 4,569.00	$ 309,676.67
2020	437	212			649	67.8	$ 4,436.00	$ 300,662.22
2019	406	203			609	67.8	$ 4,165.00	$ 282,294.44
2018	371	217			588	67.8	$ 4,006.00	$ 271,517.78
2017	370	231			601	67.8	$ 3,852.00	$ 261,080.00
2016	386	248			634	67.8	$ 3,852.00	$ 261,080.00
2015	377	252			629	38	$ 3,852.00	$ 146,376.00
2014	336	196	78		610	35	$ 3,838.00	$ 134,330.00
2013	346	203	93		642	47	$ 3,838.00	$ 180,386.00
2012	302	172	90	55	619			

NOTE: Past 10 years has seen NC increase in Headcount from 629 - 755 = 126 students

Students from the Bern area did not impact this **increase.**

113 students are responsible for the 115 Bond issue???

3. An Additional Choice:

- USD 115 chose to **not** pursue a land transfer petition to the KS State Board of Education in 2013 when the USD 113 Board of Ed denied their petition for land.

4. Choices about Bussing

- USD 115 chose to bus out of district students (In 2024 they chose to stop bussing USD 115 students within 2.5 miles).

5. Choices about taxation

- LOB & not Capital Outlay Tax
- USD 115 Chose to pass a bond issue for facility improvements (14.722 mills in FY2024)

Remember Locus of Control?

Internal
Believe they are in control and take responsibility for their own actions

External
Blame external forces for their own circumstances

Choices:

Not Consolidate with 488

Accept out of district students

Not to pursue a land transfer petition in 2013

Bussing

Taxation

Blame USD 113?

RESPECT FOR THE DEMOCRATIC PROCESS

THE AUTHORITY OF THE KS STATE BOARD OF EDUCATION TO UNILATERALLY TRANSFER LAND IS AN EXTREME LEVEL OF INTERVENTION RESERVED FOR EXTREME CIRCUMSTANCES

WHAT MAKES THE DEMOCRATIC PROCESS SO RELEVANT TO THIS SITUATION?

*USD 115 (Formerly USD 442) chose to not consolidate with USD 488 (Bern/Axtell/Summerfield). They had the first opportunity to the land that is now being petitioned.

*USD 115 is requesting land from USD 113, a legally consolidated school district.

WHAT MAKES THE DEMOCRATIC PROCESS SO RELEVANT TO THIS SITUATION?

*UNIQUE TO THIS SITUATION BOTH USD 441 AND USD 488 DISTRICTS HELD AN ELECTION REGARDING THE CONSOLIDAION PROPOSAL.

The voters of the former Axtell/Bern/Summerfield (USD 488) voted 82% in 2010 in favor of the consolidation. This includes voters from the petitioned area. The importance of elections is critical to our democratic process!

DOES THIS SITUATION WARRANT THE WIELDING OF THIS EXTREME AUTHORITY?

*Is the petitioning district the poorer district? NO

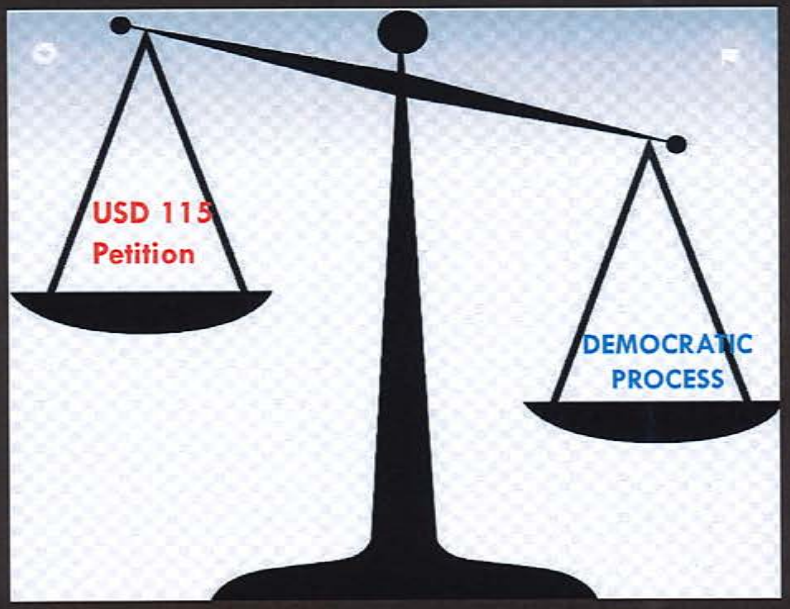
*Does the transfer better equalize the resources for the State of Kansas? NO. In fact, it creates more disequalization

*Does the petitioning district educate over 95% of students in the petitioned area? NO

SHOULD THE PETITION OVERRULE THE VOICE OF THE ELECTORATE?

BECAUSE THE PETITION PROCESS OVERRULES THE DEMOCRATIC PROCESS, THE "WEIGHT" OF GRANTING A LAND TRANSFER PETITION MUST BE "HEAVIER" THAN THE PROCESS

BECAUSE APPROVAL OF THE PETITION WOULD OVERRULE THE DEMOCRATIC PROCESS, THE "WEIGHT" OF GRANTING A LAND TRANSFER PETITION MUST BE "HEAVIER" THAN THE PROCESS. IS IT?



OPEN ENROLLMENT IS STANDARD OPERATING PROCEDURE IN KANSAS

USD 113 Prairie Hills
Preparing Kids, Shaping the Future

OUT OF DISTRICT ENROLLMENT STATISTICS

In the 2022-23 School year: KSDE provided out of district information for 286 public Kansas School Districts:

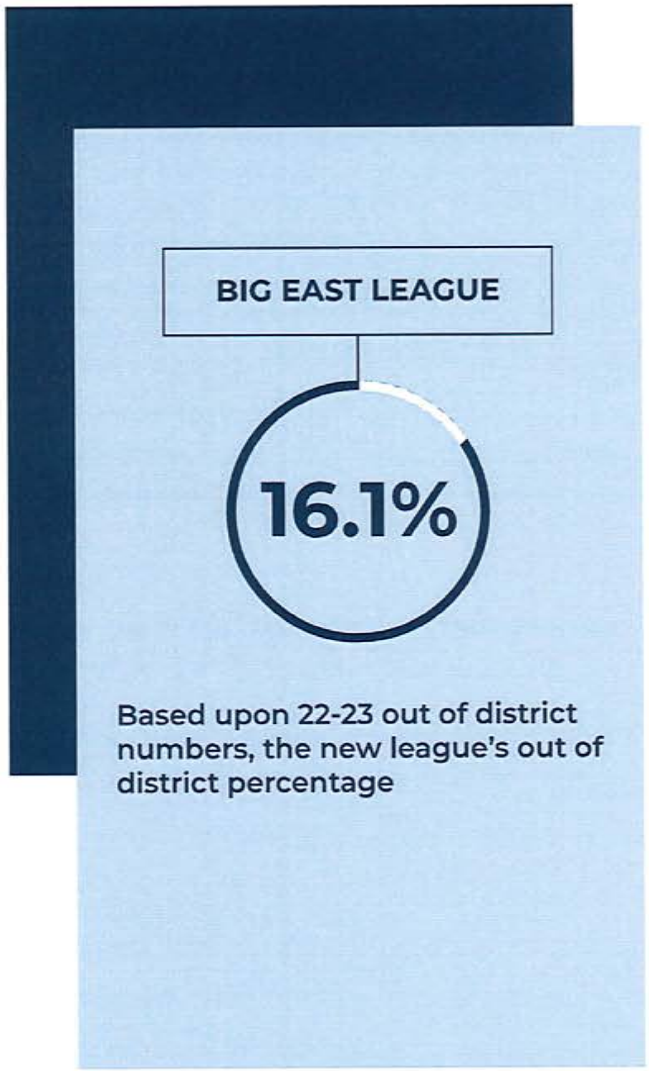
EVERY Kansas District had out of district students enrolled

The State Average is 7.31%

2022-23	286	7.31%
School year	public Kansas Schools	State Average

WHAT DOES THAT LOOK LIKE BY LEAGUE?

NC & Sabetha are in the Big 7 league for the current school year



WHAT ABOUT THE SABETHA & NC LEAGUE FOR 2024-25?

Sabetha and NC will be joining the newly formed Big East League

A total of 9 Schools from the Big 7 and Big East Leagues will come together to form a new league

WHAT IMPACT ON NEMAHA CENTRAL'S OUT OF DISTRICT RATIO DO ALL OF THEIR NEW TRANSFER STUDENTS FROM THE CLOSURE OF THE WETMORE SCHOOL HAVE?

NO STATISTICAL DIFFERENCE

123/737 = 16.69%

2022-2023

125/739 = 16.91%

ADDING BOTH OF THE 113 TRANSFER STUDENTS TO 115'S 22-23 ENROLLMENT RELATED TO THE WETMORE CLOSURE =

HOW DO USD 113'S OUT OF DISTRICT STUDENTS COMPARE TO USD 115'S NUMBERS?

ACCORDING TO DATA COLLECTED FROM KSDE

2022-2023
USD 113
OUT OF DISTRICT STUDENTS

123

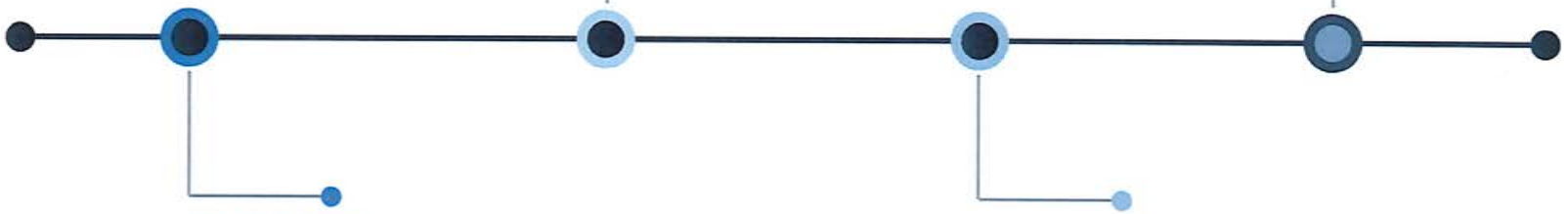
2022-2023
USD 115
OUT OF DISTRICT STUDENTS

123

IS THIS A FRIVOLOUS ISSUE?

THE SAME?!

KANSAS LEGISLATURE & OPEN ENROLLMENT



HB 2567

In 2022, the Kansas Legislature passed HB 2567 indicating that KS students will be allowed to go to any public school district in the state as long as the school has space.

This law goes into effect for the 2024-25 school year

2024-25 SCHOOL YEAR

LAND VALUATION

The land valuation does not follow the students

Does this law reflect a diminished level of importance for district of residence?

DIMINISHED LEVEL OF IMPORTANCE

WHAT CONCLUSIONS CAN WE DRAW FROM THIS DATA?

01

CONSIDERING THAT THE KANSAS STATE BOARD OF EDUCATION'S GUIDELINE TO JUSTIFY TAKING LAND BY PETITION FROM A DISTRICT AND GIVING IT TO ANOTHER IS THE **SUBSTANTIAL AND WEIGHTY MATERIAL CHANGE IN CIRCUMSTANCES** SUCH AS THE CLOSURE OF A SCHOOL.

02

THE ONLY RECENT CLOSURE IMPACTING THIS SITUATION IS THE CLOSURE OF THE WETMORE ACADEMIC CENTER.

WHAT CONCLUSIONS CAN WE DRAW FROM THIS DATA?

03 THE IMPACT TO USD 115 OF THE CLOSURE OF THE WETMORE ACADEMIC CENTER IS INSIGNIFICANT.

04 OUT OF DISTRICT ENROLLMENT IS STANDARD OPERATING PROCEDURE IN KS, AND STARTING WITH THE 2024-25 SCHOOL YEAR WILL BE REQUIRED OF DISTRICTS AS LONG AS THERE IS CAPACITY.

WHAT CONCLUSIONS CAN WE DRAW FROM THIS DATA?

05 THE NUMBER OF OUT OF DISTRICT STUDENTS ATTENDING 113 AND 115 ARE ALMOST IDENTICAL.

06 THIS INFORMATION IN AND OF ITSELF SHOULD RESULT IN THE KANSAS STATE BOARD OF EDUCATION REFUSAL TO SUPPORT THE 115 LAND TRANSFER PETITION.

HO EXHIBIT

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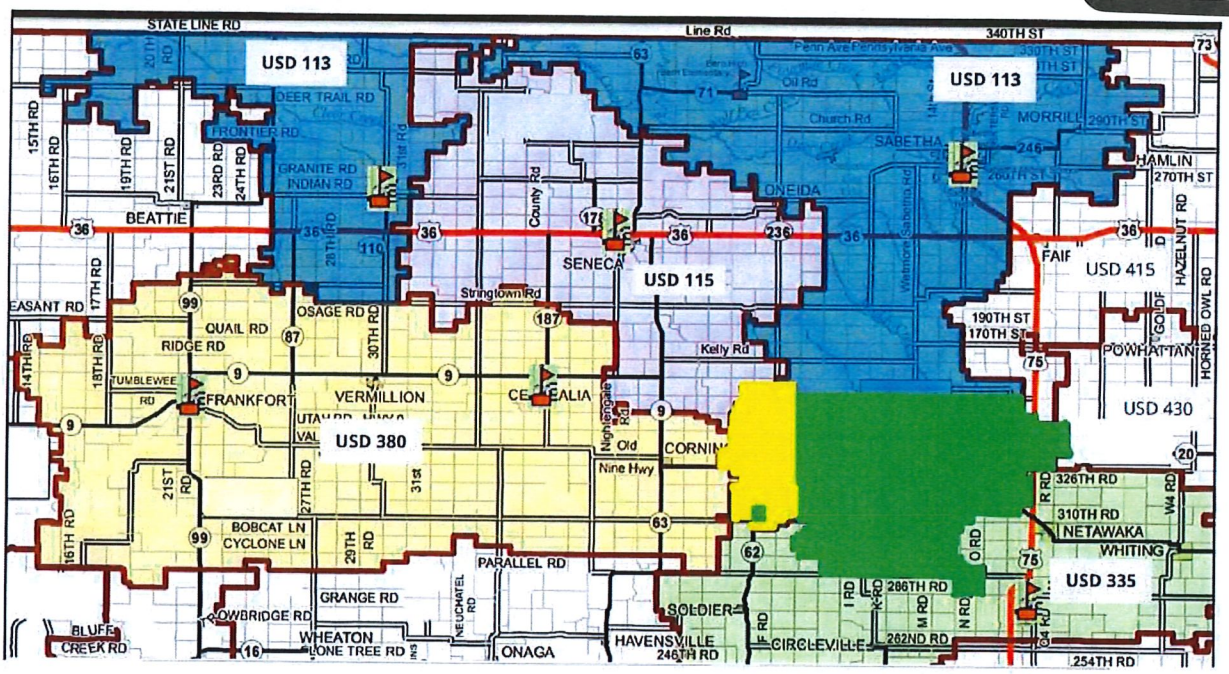
18



Dark / Solid Yellow – Territory transferred by agreement from USD 113 to USD 380

Dark / Solid Green – Territory transferred by agreement from USD 113 to USD 335

HO EXHIBIT
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19

KANSAS STATE BOARD OF EDUCATION LAND TRANSFER GUIDELIN

I. Governing Law

K.S.A. 72-532 provides that a transfer of land from one school district to another can be made only under the following conditions:

1) Upon the written agreement of any two local boards of education and approval by the State Board; or

2) Upon order of the State Board after a petition to transfer territory has been filed by a local board and a public hearing on the petition has been held by the State Board.

The Kansas Supreme Court has determined land transfers must be consistent with, and not in derogation of, the purposes and provisions of the school unification acts. In addition, K.S.A. 72-532 contains factors the State Board must consider when reviewing land transfer requests.

II. Requests for Land Transfers Considerations

In addition to the factors listed in K.S.A. 72-532, the State Board may consider the following when determining whether to grant a land transfer request.

1) The ultimate consideration must be the long-term effect a transfer would have on students living in: (1) the petitioned area, (2) the receiving district, and (3) the giving district. It also must include whether the transfer would add to the general improvement of the public schools in the state and the equalization of the benefits and burdens of education throughout the effected communities.

2) To justify taking land, by petition, from one school district and giving it to another, a material change in circumstances of a substantial and weighty nature must exist so that a reasonable person would recognize that the educational interests of all affected children (inside and outside of the transfer area) could be better served by adjusting district boundaries, without any serious detrimental effect upon students or upon the district from which the land will be transferred.

3) The type of change in circumstances that justifies a transfer of land by petition is difficult to describe in the abstract. Examples of a material change in circumstances that may justify a transfer of land include, but are not limited to:

   a) a recent school closing which makes it more practical for students to attend school in an adjoining district;

b) the establishment of a new and more distant attendance center; or

c) changes in natural barriers, such as lakes and rivers or construction of highways, which substantially increase the time a student travels to and from school.

4) Examples of changes which do not constitute a material change in circumstances for purposes of transferring land from one district to another include, but are not limited to:

a) A change in a local board of education's transportation policy to prohibit buses from adjoining school districts from entering the district to transport students;

b) a change in school district property taxes; or

c) a land transfer request which is primarily to gain a financial advantage for individuals, such as, assisting in suburban land development.

5) The State Board's consideration of a petition to transfer land is not limited to how persons in the petitioned area will be affected. The State Board also must consider how persons outside the petitioned area and the school districts (locally and statewide) may be affected.

6) A transfer of land by agreement from one school district to another, generally, should be approved by the State Board absent noncompliance with state law or other compelling reasons.

Petitions to transfer land should be submitted to the Kansas State Department of Education by no later than February 15 if the transfer is to become effective the following July 1.

Adopted: May 10, 1977
Amended: February 12, 1986; March 10, 1998; November 14, 2001; September 9, 2003; June 15, 2017; and April 4, 2018

PLEASE NOTE: K.S.A. 72-530 requires any district proposing a transfer of territory to first seek an agreement to transfer the territory. If an agreement is not obtained, the proposed transfer of territory should be abandoned or the district seeking the transfer shall file a written request with the State Board of Education c/o the Commissioner of Education for the appointment of a mediator. If mediation fails to result in an agreement between the districts to transfer the territory, a petition for transfer of territory may be submitted to the State Board pursuant to K.S.A. 72-532.

Information Required for Agreement or Petition to Transfer Territory

Whether a transfer of territory is made by agreement between school boards or by petition, the following information must be provided with the Petition (Form 18-138) or Agreement (Form 18-126) to transfer territory:

1. The assessed valuation of the territory (ies) to be transferred, including rural and urban real estate, personal property and public utility property.

2. A licensed abstractor's legal description of the land to be transferred. (A sample of such a description is enclosed.)

3. A licensed abstractor's certified legal description of the official boundary of each of the districts which reflect the proposed transfer. The revised boundary descriptions must be certified. (A sample is enclosed.)

4. A completed "Comparison of Districts" form.

5. A map of the proposed transfer area depicting its location in relation to the school district boundaries.

If the transfer is sought by Petition, the following additional information must be provided:

A. A completed "Considerations in Regard to Transfer Petitions" questionnaire.

B. A list of families affected by the transfer (tenants, resident and nonresident landowners in the transfer area) and the number of school-age children in each family living in the transfer area. The list also should contain the name, age and grade level of each child affected as well as the school district each child attends. Indicate which families approve, disapprove or have no preference regarding the transfer. (You may use a "Hearing Data Sheet" form to obtain this information.)

C. Information addressing the factors listed in K.S.A. 72-532(d).

Form 18-126 (Rev. 8-07)

AGREEMENT FOR TRANSFER OF TERRITORY BETWEEN UNIFIED SCHOOL DISTRICTS

The Board of Education of Unified School District No. _____, _____ County, State of Kansas, herein called the transferring district, and the Board of Education of Unified School District No. _____, _____ County, State of Kansas, herein called the receiving district, do hereby agree that territory be transferred between the unified districts in accordance with this agreement. This agreement is made in accordance with authority conferred by K.S.A. 72-532.

1. It is understood that this agreement is not effective until approved by the State Board of Education.

2. This agreement shall be effective on a date specified by the State Board of Education.

3. The following described territory is agreed to be transferred from the transferring district to the receiving district: (Here insert description of the territory or attach description to this form marked "Exhibit A" and make reference thereto.)

4. If applicable, the following described territory is agreed to be transferred from the receiving district to the transferring district: (Here insert description of the territory or attach description to this form marked "Exhibit B" and make reference thereto.)

5. The assessed valuation of the territory described in Paragraph 3 is $ _____. If applicable, the assessed valuation of the territory described in Paragraph 4 is $ _____.

6. If this transfer is approved, the boundary descriptions of the unified districts entering into this agreement will be as follows: (Here provide the amended boundary descriptions of the districts after this transfer is made, or attach a description of each district to this form.)

7. The Board of the transferring district and the Board of the receiving district do hereby declare that they believe the transfer of territory herein agreed to is in the best interests of their school districts and the State of Kansas.

8. The Board of the transferring district has authorized its president to sign this agreement by its resolution adopted on _____. The Board of the receiving district has authorized its president to sign this agreement by its resolution adopted on _____.

_____
President, Board of Education of
Unified School District No. _____,
_____ County
State of Kansas

_____
President, Board of Education of
Unified School District No. _____,
_____ County
State of Kansas

NOTE: This Agreement should be prepared with an original and two copies. The original should be sent to the Office of General Counsel, State Department of Education, Landon State Office Building, 900 SW Jackson Street, Suite 102, Topeka, Kansas 66612 and retain one copy in the file of each unified district involved in the requested transfer. Upon approval of the agreement by the State Board of Education, an Order of the approval will be sent to each of the boards involved in the agreement. Such Order of approval will specify effective dates of any transfer.

Form 18-138 (Rev. 8-07)

PETITION BY BOARD OF EDUCATION OF UNIFIED SCHOOL DISTRICT NO. _____ FOR TRANSFER OF TERRITORY

This Petition is made by the Board of Education of Unified School District No. _____, _____ County, State of Kansas, to the Kansas State Board of Education on this _____ day of _____, 20 _____. As the basis for this Petition, the petitioning board states:

1. This Petition is made under authority of K.S.A. 72-532.

2. Mediation was attempted under K.S.A. 72-530, but failed.

3. The State Board of Education is requested to transfer the territory described below or in attached Exhibit A from Unified School District No. _____,

_____ County, State of Kansas, to Unified School District No. _____,

_____ County, State of Kansas:

4. The petitioning board is of the opinion that the transfer of territory requested in this Petition, if granted, would be consistent with the factors listed in subsection (d) of K.S.A. 72-532.

5. No petition for the transfer of substantially the same territory as described above has been submitted to the State Board within two years of the date of this Petition.

6. The petitioning board of education has authorized its president to sign this petition on its behalf.

_____
President of Board of Education
Unified School District No. _____,
_____ County
State of Kansas

ATTEST:

_____
Clerk of the Board of Education of
Unified School District No. _____,
_____ County
State of Kansas

NOTE: This Petition should be prepared with an original and two copies. The original should be sent to the Office of General Counsel, State Department of Education, Landon State Office Building, 900 SW Jackson Street, Suite 102, Topeka, Kansas 66612; one copy should be retained in the file of the petitioning district; and one copy should be sent to the board of education of the other school district involved in the requested transfer.

COMPARISON OF DISTRICTS
(BEFORE TRANSFER)

		USD No. _____	USD No. _____
Area (Sq. Miles):		_____	_____
Enrollment:		_____	_____
Assessed Valuation:		_____	_____
Tax Levy:		_____	_____
Teachers (FTE):			
Enrollment by Grade:	K	_____	_____
	1	_____	_____
	2	_____	_____
	3	_____	_____
	4	_____	_____
	5	_____	_____
	6	_____	_____
	7	_____	_____
	8	_____	_____
	9	_____	_____
	10	_____	_____
	11	_____	_____
	12	_____	_____

COMPARISON OF DISTRICTS
(AFTER TRANSFER)
ESTIMATE

		USD No. _____	USD No. _____
Area (Sq. Miles):		_____	_____
Enrollment:		_____	_____
Assessed Valuation:		_____	_____
Tax Levy:		_____	_____
Teachers (FTE):			
Enrollment by Grade:	K	_____	_____
	1	_____	_____
	2	_____	_____
	3	_____	_____
	4	_____	_____
	5	_____	_____
	6	_____	_____
	7	_____	_____
	8	_____	_____
	9	_____	_____
	10	_____	_____
	11	_____	_____
	12	_____	_____

HEARING DATA

Hearing to consider transfer of territory from USD No. _____ to USD No. _____

Location of Hearing _____

Date and Time of Hearing _____

Name of Resident Elector _____

Location of Home Section _____ Township _____ Range _____
(Please give exact description, as W ½ of Sec. 6, T 15, R5;
or SW ¼ of SE ¼ of Sec. 4, T 8, R 18, etc.)

Are you owner or tenant of above? _____ How many acres in above? _____

Description of other property owned in petitioned area, if any _____

_____

_____ Total number of acres _____

Description of other property rented in petitioned area, if any _____

_____ Total number of acres _____

Number of children:

1. In high school _____ Where attending _____
2. In grade school _____ Where attending _____
3. Pre-school _____

Name of non-resident landowner _____
(Use space above for description of property owned)

Statement of preference (complete one only):

I prefer to remain in Unified School District No. _____

I prefer to transfer to Unified School District No. _____

I have no district preference. _____

Signature of elector of
non-resident landowner _____

Post Office Address _____

Date of Signature _____

This data sheet submitted by the Board of Unified School District No. _____

8-2007

CONSIDERATIONS IN REGARD TO TRANSFER PETITIONS
AUTHORITY

K.S.A. 72-521 provides: "As used in this act, unless the context otherwise requires:

. . .

"(c) "Receiving district," means a school district receiving territory by transfer thereof from another school district;

"(d) "Giving district," means a school district from which school territory is transferred to another school district.

K.S.A. 72-532 provides:

"(e) Within 90 days after receiving an agreement or, if a public hearing is held, within 90 days after the hearing, the state board of education shall issue its order either approving or disapproving such transfer petition or agreement, or approving the same with such amendments as it deems appropriate.

"(f) Whenever a petition for transfer of territory has been denied by the state board of education, no petition for transfer of substantially the same territory shall be received or considered by the state board of education for a period of two years."

GENERAL INFORMATION

WHERE APPROPRIATE, CIRCLE "YES" OR "NO"

Yes No A. In case a transfer is ordered, will changes occur that both sides agree would be educationally beneficial? If yes, list.

Yes No B. In case a transfer is ordered, will changes occur that both sides agree would be educationally detrimental? If yes, list.

CRITERIA

WHERE APPROPRIATE, CIRCLE "YES" OR "NO"

Yes No 1. Has the state board denied a petition for substantially the same territory within the past two years?

Yes No 2. Is the petitioned territory contiguous with the boundary line of the "receiving" district?

Yes No 3. Are a majority of the residents in the petitioned area tenants?

Yes No 4. Is this a housing development area or part of an industrial district? If yes, explain.

Yes No 5. Are there any other unusual characteristics of the petitioned area? If yes, explain.

Yes No 6. Do a majority of the resident families that have school-age children desire to transfer?

Yes No 7. Do a majority of the resident families that do not have school-age children desire to transfer?

Yes No 8. Do a majority of the nonresident landowners support the transfer?

Yes No 9. If this a request for a transfer of land on which there are no resident families?

Yes No 10. Does the "receiving" district have a policy of not accepting out-of-district pupils?

Yes No 11. If the "receiving" district accepts out-of-district pupils, does it charge tuition? If so, how much? _____
Who pays it? _____

Yes No 12. Will the "receiving" district board permit its buses to enter other districts to pick up children at their homes if permission is granted?

Yes No 13. Does the "giving" district board permit buses of the "receiving" district to enter the petitioned area to pick up children?

Yes No 14. Will the "receiving" district permit buses of the "giving" district or other districts to enter its boundaries to pick up children?

Yes No 15. Are all or any of the pupils residing in the petitioned area attending school in the district of their choice? If yes, explain.

Yes No 16. Do any pupils who reside in the petitioned area and attend school in the "receiving" district live more than a mile from a "receiving" district bus pickup point or the attendance facility of each district? If yes, explain.

Yes No 17. If the children of the petitioned area attend school in the "giving" district, are they required to walk more than a mile to board a district bus?

Yes No 18. Do physical conditions such as topography, roads, bridges, waterways, etc., make it more practical for the "receiving" district to serve the children in the petitioned area?

Yes No 19. Will an undue hardship be placed on pupils residing in the petitioned area if the transfer is **not** approved? If so, explain.

Yes No 20. Would the transfer of the petitioned area and loss of enrollment or valuation impose a substantial financial hardship on the "giving" district?

Yes No 21. Would the proposed transfer impair the ability of the "giving" district to offer and teach thirty units of credit?

Yes No 22. Are the schools of both districts accredited? If not, explain.

Yes No 23. Would a transfer of the petitioned area separate more than ¼ of the territory and taxable tangible valuation of the "giving" school district as it was constituted at time of unification?

Yes No 24. Are there reasons for requesting the transfer other than the educational needs of the children, such as an anticipated bond election in the "giving" district or a considerable higher tax levy in the "giving" district?

Yes No 25. Would a transfer substantially lessen the distance most pupils living in the petitioned area have to travel to school?

Yes No 26. Are the pupils proposed to be transferred former students of a school closed by the "giving" district?

27. What is the assessed valuation of the petitioned area?

Briefly describe how each of the factors listed in subsection (d) of K.S.A. 72-532 impacts the request for transfer of territory.

_____

_____

_____

_____

_____

_____

_____

TRANSFER OF SCHOOL DISTRICT TERRITORY

72-530. Transfer of territory; mediation process. (a) The state board, in accordance with this section, shall implement procedures to allow districts to discuss any proposal for the transfer of territory pursuant to K.S.A. 72-521 et seq., and amendments thereto, through a mediation process.

(b) The procedures implemented by the state board shall ensure that any mediation is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. The state board shall maintain a list of individuals who are qualified mediators.

(c) Any district proposing a transfer of territory first shall seek an agreement to transfer the territory. If an agreement is not obtained, the proposal for the transfer shall be abandoned or the district seeking the transfer shall file a written request with the state board for the appointment of a mediator.

(d) When a request to appoint a mediator is received, the state board shall appoint a mediator and shall notify the school districts of the appointment of the mediator.

(e) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the districts. Each district involved in a proposed transfer of territory shall be required to participate in at least one mediation session. The district requesting the transfer shall bear the cost of the mediation process.

(f) If mediation fails to result in an agreement between the districts, a petition for transfer of territory may be submitted to the state board pursuant to K.S.A. 72-532, and amendments thereto.

History: L. 2004, ch. 13, § 1; Apr. 8.

72-532. Authorization to transfer school territory; agreement of boards of education; petition by one board; approval by state board; criteria to be considered; procedure; limitations. (a) Transfers of territory from one unified district to another unified district shall be made only as follows:

(1) Upon the written agreement of any two boards approved by the state board of education; or

(2) upon order of the state board after petition therefor by one board and a public hearing thereon conducted by the state board of education.

(b) The effective date of any such transfer shall be the date of approval thereof or order therefor issued by the state board of education or the July 1 following.

(c) Notice of the public hearing on such a petition shall be given by publication by the state board of education for two consecutive weeks in a newspaper of general circulation in the unified district from which territory is to be transferred, the last publication to be not more than 10 nor less than three days prior to the date of the hearing. The notice shall state the time and place of the hearing and shall give a summary description of the territory proposed to be transferred.

(d) Prior to issuing an order, the state board shall consider the following:

(1) City boundaries and the area within three miles surrounding any city with more than one district in the area;

(2) available capacity of districts involved in the territory transfer to serve existing or additional students;

(3) condition and age of buildings and physical plant;

(4) overall costs including renovation of existing buildings versus construction;

(5) cost of bussing;

(6) food service;

(7) administration and teachers;

(8) areas of interest including access and distances for parents to travel to participate in student activities;

(9) matters of commerce, including regular shopping areas, meeting places, community activities and youth activities;

(10) districts that are landlocked with changing demographics that cause declining enrollment; and

(11) effect on students living in the area.

The foregoing shall not be deemed to limit the factors which the state board of education may consider.

(e) Within 90 days after receiving an agreement or, if a public hearing is held, within 90 days after the hearing, the state board of education shall issue its order either approving or disapproving such transfer petition or agreement, or approving the same with such amendments as it deems appropriate.

(f) Whenever a petition for transfer of territory has been denied by the state board of education, no petition for transfer of substantially the same territory shall be received or considered by the state board of education for a period of two years.

History: L. 1963, ch. 393, § 25; L. 1965, ch. 410, § 6; L. 1967, ch. 400, § 1; L. 1968, ch. 394, § 1; L. 1969, ch. 346, § 1; L. 1970, ch. 290, § 1; L. 1988, ch. 356, § 280; L. 1989, ch. 283, § 14; L. 1999, ch. 165, § 13; L. 2002, ch. 167, § 2.

(Sample Corrected Boundary Description)

_____ COUNTY UNIFIED DISTRICT DESCRIPTION

UNIFIED SCHOOL DISTRICT NO. _____

Beginning at the intersection of the Neosho River with the mid-section line of Sec. 19, T 20S, R 14E; thence follow the center line of said river southeasterly to the * point where it intersects the east line of Sec. 26-20-14; thence north to the NE corner of Sec. 26-20-14; thence east 1 1/2 miles, north 3 1/2 miles * to the center of Sec. 6-20-15; thence east 1 mile, south 1/2 mile, east 1 1/2 miles, north 1/2 mile, east 1 1/2 miles, south 1 mile to the center of Sec. 11-20-15; thence west 1/4 mile, south 1/2 mile, east 3/4 mile, north 1/4 mile, east 1/2 mile, south 3/4 mile, east 1/2 mile to the NE corner of the SE 1/4 of Sec. 13-20-15; thence south 1 mile, east 1/2 mile, south 1 mile, east 1 1/2 miles, south 1 1/4 miles, east 3/4 mile, north 3/4 mile to the NW corner of the E 1/2 of the NE 1/4 of Sec. 33-20-16; thence east 1/2 mile, south 1/2 mile, east 1/4 mile, south 1/2 mile, west to the NW corner of the NE 1/4 of Sec. 3-21-16; thence south 1/2 mile, east 1 1/2 miles to the NE corner of the SE 1/4 of Sec. 2-21-16; thence south 1 mile, east 1/2 mile, south 2 miles, east 1/2 mile, north 1/2 mile, east 1/2 mile, south 2 1/2 miles to the center of Sec. 31-21-17; thence west 4 miles, south 1 1/2 miles, west 2 miles, south to the center line of the Neosho River; follow said river southeasterly to its intersection of the west line of Sec. 20-22-16; thence west 3 miles, south 1 1/4 miles, east 1/4 mile, north 1/4 mile, east 1/4 mile, south to the center of North Big Creek; thence follow said creek south and west 1 mile, north 1/2 mile, west 1/2 mile, north 1 1/2 miles to the NE corner of Sec. 21-22-15; thence west 1/2 mile, south 1 mile, west 1 1/2 miles, north 1/2 mile, west 1 mile, north 1/2 mile to the SW corner of Sec. 18-22-15; thence west 1/2 mile, north 1 mile, west 1/2 mile, north 1 3/4 miles, west 1/2 mile, north 1/4 mile to the SW corner of the SE 1/4 of Sec. 35-21-14; thence west 1/4 mile, north 1/2 mile, east 1/4 mile, north 1 mile, west 1 1/2 miles, south 1/2 mile to the SE corner of Sec. 28-21-14; thence east 1/2 mile, south 2 miles, west 3/4 mile, north 3/4 mile, west 3/4 mile, north 1/2 mile to the NE corner of the S 1/2 of the SE 1/4 of Sec. 32-21-14; thence west 1/4 mile, north 1/4 mile, west 1/4 mile, north 3/4 mile, west 1/2 mile, north 3/4 mile, east 1 mile to the SW corner of Sec. 21-21-14; thence north 1/2 mile, west 1/2 mile, south 1/4 mile, west 1/2 mile, north 1/4 mile, west 3 miles, north along the county

line 1 mile to the NW corner of the SW 1/4 of Sec. 14-21-13; thence east 1 mile, north 1/2 mile, east 1/2 mile, north 1/2 mile, west 1/2 mile, north 1 1/2 miles to the NW corner of Sec. 1-21-13; thence west to the SE corner of the W 1/2 of the SW 1/4 of Sec. 35-20-13; north 1/2 mile, * east 1 3/4 miles, south 1/2 mile to the SW corner of Sec. 31-20-14; thence ^ east ^ to the NW corner ^ of the NE 1/4 ^of Sec. 6-21-14; thence south 1/2 mile to the SW corner of the NE 1/4 of Sec. 6-21-14; thence east 1/2 mile, north 1/2 mile to the NE corner of Sec. 6-21-14; thence to the SE corner of the W 1/2 of Sec. 31-20-14; thence north 1 1/2 miles, east 1/4 mile, north 1/2 mile, west 1/4 mile, north to the point of beginning.

* Transfer from USD #_____ to USD #_____ (Date) File #_____

CERTIFICATION

I, the undersigned, a duly licensed abstracter in and for the State of Kansas, do hereby certify that the revised boundary description set forth above is a true and correct description of the official boundary of Unified School District No. _____ in the event the proposed Petition/Agreement to transfer territory from Unified School District No. _____ to Unified School District No. _____ is approved by the State Board of Education.

Dated at _____, Kansas this _____ day of _____, 20_____.

By: _____
(signature)

_____
(typed name)

HO EXHIBIT tabbies 20

Generated 5-23-2024			2020-2021	2021-2022	2022-2023	2023-2024	2023-2024			
USD	County	District Name	FTE Enroll (excl Pre-K At-Risk & Virtual) 9/20/2020 2/20/2021	FTE Enroll (excl Pre-K At-Risk & Virtual) 9/20/2021 2/20/2022	FTE Enroll (excl Pre-K At-Risk & Virtual) 9/20/2022 2/20/2023	FTE Enroll (excl Pre-K At-Risk & Virtual) 9/20/2023 2/20/2024	Square Miles			
113	Nemaha	Prairie Hills	1,044.2	1,027.2	1,033.1	898.5	543.0			
115	Nemaha	Nemaha Central	591.6	637.0	692.0	662.8	222.0			

			2020-2021	2021-2022	2022-2023	2023-2024	2020-2021	2021-2022	2022-2023	2023-2024
USD	County	District Name	Total Valuation	Total Valuation	Total Valuation	Total Valuation	General Fund Valuation	General Fund Valuation	General Fund Valuation	General Fund Valuation
113	Nemaha	Prairie Hills	134,958,212	139,637,130	148,651,979	153,262,211	129,012,149	133,658,355	137,467,299	141,359,193
115	Nemaha	Nemaha Central	96,706,982	98,687,613	105,721,469	111,035,847	92,803,317	94,765,604	98,117,256	103,041,049

			2020-2021	2021-2022	2022-2023	2023-2024	2020-2021	2021-2022	2022-2023	2023-2024
USD	County	District Name	LOB/BI Valuation	LOB/BI Valuation	LOB/BI Valuation	LOB/BI Valuation	Capital Outlay Valuation	Capital Outlay Valuation	Capital Outlay Valuation	Capital Outlay Valuation
113	Nemaha	Prairie Hills	132,741,858	137,275,089	145,913,701	152,688,883	132,967,351	137,505,348	146,148,046	153,833,450
115	Nemaha	Nemaha Central	92,820,020	94,541,213	101,671,632	111,035,847	92,820,020	94,541,213	101,671,632	111,035,847

Total Valuation: This includes all valuations for Urban Real, Rural Real, Tangible Personal Property and State Assessed.

General Fund Valuation: This is Total Valuation minus tax exemption as definied by statute. For 2023-2024, the first $42,049 is tax exempt. For 2022-2023, the first $40,000 is tax exempt. For 2021-2022 and all years prior, the first $20,000 is tax exempt.

LOB/BI Valuation: This is Total Valuation minus Neighborhood Revitalization (NRA) and Tax Increment Financing (TIF) as these are tax exempt parcels and districts do not receive property tax on those values; therefore, the State will make up the difference as state aid. This valuation is used for compute LOB and BI aid rates.

Capital Outlay Valuation: This is LOB/BI Valuation plus Capital Outlay Taxable valuation. KSA 72-53,127 (2017 SB19) no longer allowed new development to be exempt for Capital Outlay tax purposes. This impacts only USD 113 at this time to have a different valuation for Capital Outlay from LOB/BI Valuation.

USD	County	District Name	2020-2021 LOB State Aid	2021-2022 LOB State Aid	2022-2023 LOB State Aid	2023-2024 LOB State Aid
113	Nemaha	Prairie Hills	458,826	388,337	333,751	280,978
115	Nemaha	Nemaha Central				6,520

USD 113 - Tax Rates

Repfield	2023-2024	2022-2023	2021-2022
General	20.000	20.000	20.000
Supp. General	15.583	16.144	16.143
Capital Outlay	3.500	6.498	7.054
Bond & Interest	5.303	5.619	6.039
Rec. Commission	0.000	0.000	0.000
Other	0.000	0.000	0.000
Total	44.386	48.261	49.236

USD 115 - Tax Rates

Repfield	2023-2024	2022-2023	2021-2022
General	20.000	20.000	20.000
Supp. General	17.540	15.709	15.526
Capital Outlay	0.000	0.000	0.000
Bond & Interest	20.762	6.028	6.139
Rec. Commission	0.000	0.000	0.000
Other	0.000	0.000	0.000
Total	58.302	41.737	41.665

Funded Headcount (Audited) - Used for Computing High Density At-Risk

USD	County	District Name	2020-2021	2021-2022	2022-2023	2023-2024
113	Nemaha	Prairie Hills	1,077	1,064	1,062	921
115	Nemaha	Nemaha Central	635	715	737	756

72-5140. Same; revisions due to new school districts or boundary changes. Whenever a new school district has been established or the boundaries of a school district have been changed, the state board shall make appropriate revisions concerning the affected school districts as may be necessary for the purposes of this act to reflect such establishment of a school district or changes in boundaries. Such revisions shall be based on the most reliable data obtainable from the superintendent of the school district and the county clerk.

			2024-2025 Est. LOB Aid Rate (Before Changes)					
			Final	Final	Est	LOB Only	2024-2025 EST	2023-2024
			2021-22	2022-23	2023-24	3 YR AVG	LOB	LOB
USD#	USD Name	County Nan	AVPP	AVPP	AVPP	LOB AVPP	Aid Rate	Aid Rate
D0113	Prairie Hills	Nemaha	131,653	139,417	168,067	146,379	0.0544	0.1014
D0115	Nemaha Central	Nemaha	144,669	155,414	162,976	154,353	0.0028	0.0031

USD 113 Non-Resident Students Attending
Pulled from KIDS PBR Enrollment Report
Excludes Non-Funded Preschool Students

Resident District	2023-2024	2022-2023	2021-2022
D0115	21	17	19
D0335	3	8	9
D0336	0	1	1
D0364	13	7	8
D0380	0	2	
D0415	83	84	64
D0430	0	0	2
NE	3	3	7
Total	123	122	110

USD 115 Non-Resident Students Attending
Pulled from KIDS PBR Enrollment Report
Excludes Non-Funded Preschool Students

Resident District	2023-2024	2022-2023	2021-2022	
D0113	93	81	85	
D0364	3	1		
D0380	6	2	3	
Z0029	0	1	0	Note: I believe Z0029 is data error
NE	2	1	2	
Total	104	86	90	

Agenda Number: 9

Meeting Date: 6/11/2024

KANSAS STATE DEPARTMENT OF EDUCATION

900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
(785) 296-3201
www.ksde.org

Item Title: Oral Arguments USD 115 and USD 113

From: Deborah Bremer

The legal representatives for USD 115 and USD 113 will present oral arguments to the board. They will be given 30 minutes each. The legal representative of USD 115 will present first, followed by the legal representative from USD 113.

Agenda Number: **10**

Meeting Date: **6/11/2024**

KANSAS STATE DEPARTMENT OF EDUCATION

900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
(785) 296-3201
www.ksde.org

Item Title: Executive Session: District Safety Plans (John Calvert)

From: Deborah Bremer

John Calvert, KSDE, Safe and Secure Schools, will review district safety plans during an executive session with the Board.

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 11

Staff Initiating:	Director:	Commissioner:	Meeting Date:	6/11/2024
Tate Toedman	Bert Moore	Randy Watson		

Item Title:

Act on ESSER III Change Requests for Use of Federal COVID-19 Relief Funds

Recommended Motion:

It is moved that the Kansas State Board of Education accept the recommendations of the Commissioner's Task Force on ESSER distribution of money and approve the public school district for ESSER III change requests as presented for use of federal COVID-19 relief funds.

Explanation of Situation Requiring Action:

Federal assistance to schools has been made available through the Elementary and Secondary School Emergency Relief (ESSER) fund. The federal law outlines allowable expenditures directly related to the COVID-19 pandemic, and to support student learning and student needs associated with the pandemic. The Commissioner's Task Force on ESSER and EANS Distribution of Money has the responsibility to: provide guidance and oversight of school districts' plans (public and private) for expenditure of those federal funds. maximize the use of federal K-12 relief funds to meet the acute needs of Kansas students in line with federal regulations and Kansas K-12 priorities. The Task Force and KSDE staff will review the applications and expenditure plans to evaluate whether the requests are tied to a pandemic-related need, are reasonable and meet the allowable uses. The information will then be presented to the State Board of Education for approval.

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number:	12
Meeting Date:	6/11/2024

Staff Initiating:	Director:	Commissioner:
Catherine Chmidling	Shane Carter	Randy Watson

Item Title:

Act on recommendations of the Evaluation Review Committee for higher education program approvals

Recommended Motion:

It is moved that the Kansas State Board of Education accept the recommendations of the Evaluation Review Committee for educator preparation program approvals for Bethel College, Friends University, MidAmerica Nazarene University, Pittsburg State University, University of Saint Mary, and Wichita State University.

Explanation of Situation Requiring Action:

The Evaluation Review Committee is submitting the following recommendations to the State Board regarding educator preparation program approvals for Bethel College, Friends University, MidAmerica Nazarene University, Pittsburg State University, University of Saint Mary, and Wichita State University.

The educator preparation program review processes are guided by Kansas regulations 91-1-235, and 91-1-236, authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution. The current regulations were first adopted in 1997 and 2004, have been revised and updated regularly as-needed.

The review process relies on peer review by trained education practitioners from P12 and higher ed, who review the preparation provider's specific license/endorsement preparation program for alignment to the license/endorsement preparation standards which have been adopted by the State Board of Education. The alignment review includes examination of programs of study; assessment instruments; collected data, analyses, and interpretations.

Following the institutional application and receipt of complete program reports, review teams of trained evaluators were appointed to review the educator preparation programs for the above institutions based on adopted State Board policies, procedures and regulations. These are available for review by any member or members of the State Board.

Each review team's report and each institution's response to the report, along with the institutional reports, were submitted to the Evaluation Review Committee (ERC) of the Teaching and School Administration Professional Standards Advisory Board. The Evaluation Review Committee consists of P12 educators, P12 administrators, and higher ed administrators, and forms a second peer review oversight committee, which reviews each educator preparation

provider's license and endorsement preparation programs' alignment to the appropriate preparation standards.

The ERC, in accordance with procedures adopted by the State Board, prepared written initial recommendations regarding the appropriate status to be assigned to each education preparation program.

Each initial recommendation was submitted to the educator preparation institution and the institution was given 30 days to request a hearing to appeal the initial recommendation. For each of the providers, the ERC offered the opportunity for a hearing and prepared a written final recommendation regarding the appropriate status to be assigned to the educator preparation provider or program. These final recommendations have been submitted to appropriate representatives of the educator preparation institutions and are now submitted to the State Board, as attached, for consideration and approval of the ERC recommendations for program status.

A copy of the regulations covering this process is also attached. Staff will be on hand to answer any questions. These recommendations were presented as a Receive item in May 2024.

Action item: ERC recommendations for higher education program approvals

Item Title:
Act on recommendations of the Evaluation Review Committee for higher education program approvals

Board Goals:
Provide an effective educator in every classroom

Recommended Motion:
It is moved that the Kansas State Board of Education accept the recommendations of the Evaluation Review Committee for educator preparation program approvals for Bethel College, Friends University, MidAmerica Nazarene University, Pittsburg State University, University of Saint Mary, and Wichita State University.

Explanation:
The Evaluation Review Committee is submitting the following recommendations to the State Board regarding educator preparation program approvals for Bethel College, Friends University, MidAmerica Nazarene University, Pittsburg State University, University of Saint Mary, and Wichita State University.

The educator preparation program review processes are guided by Kansas regulations 91-1-235, and 91-1-236, authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution. The current regulations were first adopted in 1997 and 2004, have been revised and updated regularly as-needed.

The review process relies on peer review by trained education practitioners from P12 and higher ed, who review the preparation provider's specific license/endorsement preparation program for alignment to the license/endorsement preparation standards which have been adopted by the State Board of Education. The alignment review includes examination of programs of study; assessment instruments; collected data, analyses, and interpretations.

Following the institutional application and receipt of complete program reports, review teams of trained evaluators were appointed to review the educator preparation programs for the above institutions based on adopted State Board policies, procedures and regulations. These are available for review by any member or members of the State Board.

Each review team's report and each institution's response to the report, along with the institutional reports, were submitted to the Evaluation Review Committee (ERC) of the Teaching and School Administration Professional Standards Advisory Board. The Evaluation Review Committee consists of P12 educators, P12 administrators, and higher ed administrators, and forms a second peer review oversight committee, which reviews each educator preparation provider's license and endorsement preparation programs' alignment to the appropriate preparation standards.

The ERC, in accordance with procedures adopted by the State Board, prepared written initial recommendations regarding the appropriate status to be assigned to each education preparation program.

Each initial recommendation was submitted to the educator preparation institution and the institution was given 30 days to request a hearing to appeal the initial recommendation. For each of the providers,

the ERC offered the opportunity for a hearing and prepared a written final recommendation regarding the appropriate status to be assigned to the educator preparation provider or program. These final recommendations have been submitted to appropriate representatives of the educator preparation institutions and are now submitted to the State Board, as attached, for consideration and approval of the ERC recommendations for program status.

A copy of the regulations covering this process is also attached. Staff will be on hand to answer any questions. These recommendations were presented as a Receive item in May 2024.

KANSAS STATE DEPARTMENT OF EDUCATION
900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
(785) 296-3201
www.ksde.org

April 08, 2024

To: Dr. Randy Watson, Commissioner

From: Evaluation Review Committee

Subject: Final Recommendations for program approvals for Bethel College

Introductory Statement:

On April 01, 2024, the Evaluation Review Committee reviewed an application for program approvals for Bethel College.

Documents that were received and considered include the Institutional Program Report, Program Rejoinder, and KSDE Team Report.

PROGRAM APPROVAL RECOMMENDATIONS

Recommend "Approved" status for Bethel College programs through December 31, 2030.

English Language Arts I, 6-12, continuing
- Areas for Improvement
- Standards 1-7, Science of Reading
- None

History, Government, and Social Studies I, 6-12, continuing
- Areas for Improvement
- Standards 1-10
- None

Mathematics I, 6-12, continuing
- Areas for Improvement
- Standards 1-7
- None

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April 08, 2024

To: Dr. Randy Watson, Commissioner

From: Evaluation Review Committee

Subject: Final Recommendation for program approval for Friends University

Introductory Statement:

On April 01, 2024, the Evaluation Review Committee reviewed an application for program approval for Friends University.

Documents that were received and considered include the Institutional Program Report, Rejoinder, and KSDE Team Report.

PROGRAM APPROVAL RECOMMENDATIONS

Recommend "Approved" status for Friends University continuing program through June 30, 2029:

Biology I, 6-12, continuing
Areas for Improvement
Standards 1-10
None

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April 08, 2024

To: Dr. Randy Watson, Commissioner

From: Evaluation Review Committee

Subject: Final Recommendations for program approvals for MidAmerica Nazarene University

Introductory Statement:

On April 01, 2024, the Evaluation Review Committee reviewed an application for program approvals for MidAmerica Nazarene University.

Documents that were received and considered include the Institutional Program Report, Program Rejoinder, and KSDE Team Report.

PROGRAM APPROVAL RECOMMENDATIONS

Recommend "Approved" status for MidAmerica Nazarene University programs through December 31, 2030.

Biology I, 6-12, continuing
- Areas for Improvement
- Standards 1-10
- None

History, Government, and Social Studies I, 6-12, continuing
- Areas for Improvement
- Standards 1-10
- None

Reading Specialist A, PreK-12, continuing
- Areas for Improvement
- Standards 1-7, Science of Reading
- None

KANSAS STATE DEPARTMENT OF EDUCATION
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Topeka, Kansas 66612-1212
(785) 296-3201
www.ksde.org

April 05, 2024

To: Dr. Randy Watson, Commissioner

From: Evaluation Review Committee

Subject: Final Recommendations for program approvals for Pittsburg State University

Introductory Statement:

On April 01, 2024, the Evaluation Review Committee reviewed applications for program approvals for Pittsburg State University.

Documents that were received and considered include the Institutional Program Reports, Program Rejoinders, and KSDE Team Reports.

PROGRAM APPROVAL RECOMMENDATIONS

Recommend "Approved" status for the following Pittsburg State University continuing programs through December 31, 2030.

Biology, I, 6-12 continuing
Areas for Improvement
Standards 1--10
None

High Incidence A, K-6, 6-12, continuing (traditional)
Areas for Improvement
Standards 1-8, Science of Reading
None

High Incidence I, K-6 Innovative MAT Para-ToR, continuing
Areas for Improvement
Standards 1-8, Science of Reading
None

High Incidence I, 6-12 Innovative MAT Paras / Para LRL, continuing
Areas for Improvement
Standards 1-8, Science of Reading
None

Technology I, 6-12, continuing

Areas for Improvement

Standards 1-8

None

KANSAS STATE DEPARTMENT OF EDUCATION
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www.ksde.org

April 05, 2024

To: Dr. Randy Watson, Commissioner

From: Evaluation Review Committee

Subject: Final Recommendations for new program approval for the University of Saint Mary

Introductory Statement:

On April 01, 2024, the Evaluation Review Committee reviewed an application for a new program approval for the University of Saint Mary.

Documents that were received and considered include the Institutional Program Report, Program Rejoinder, and KSDE Team Report.

PROGRAM APPROVAL RECOMMENDATIONS

Innovative Elementary LERP, PreK-6, new
Areas for Improvement
Standards 1-7, Science of Reading
None

Recommend "New Program Approved with Stipulation" status through December 31, 2026.

Proposed new programs can be given the status of 'new program approved with stipulation' or 'not approved.'

New programs may be approved-with-stipulation for 2 years during which they are operationalized (extendable to a third year if not yet operationalized) and notification of operationalization sent to KSDE. A progress report is due after the second semester of operation to address the new program stipulation.

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(785) 296-3201
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April 08, 2024

To: Dr. Randy Watson, Commissioner

From: Evaluation Review Committee

Subject: Final Recommendations for program approvals for Wichita State University

Introductory Statement:

On April 01, 2024, the Evaluation Review Committee reviewed applications for program approvals for Wichita State University.

Documents that were received and considered include the Institutional Program Reports, Program Rejoinders, and KSDE Team Reports.

PROGRAM APPROVAL RECOMMENDATIONS

Recommend "Approved" status for the following Wichita State University continuing programs through December 31, 2029.

Early Childhood Unified I, Birth-Grade 3 MAT, continuing
- Areas for Improvement
- Standards 1-8, Science of Reading
- None

Early Childhood Unified A, Birth-Grade MEd, continuing
- Areas for Improvement
- Standards 1-8, Science of Reading
- None

History, Government, and Social Studies I, 5-8, continuing
- Areas for Improvement
- Standards 1-8
- None

History, Government, and Social Studies I, 6-12, continuing
- Areas for Improvement
- Standards 1-10
- None

PROGRAM REVIEW PROCESS

KSDE's Evaluation Review Committee (ERC) renders program approval recommendations for the initial teacher preparation and advanced program levels of an educator preparation provider (EPP).

PROGRAM DECISIONS

New program approval decisions are:
- New Program Approved with Stipulation
- Not Approved.

Renewal program decisions are:
- Approved
- Approved with Stipulation
- Not Approved.

The responsibilities of the Commissioner and State Board regarding program approval are under regulations 91-1-235 and 91-1-236.

91-1-235. Procedures for initial approval of teacher education programs.

(a) Application.
(1) Each teacher education institution that desires to have any new program approved by the state board shall submit an application for program approval to the commissioner. The application shall be submitted at least 12 months before the date of implementation.
(2) Each institution shall submit with its application a program report containing a detailed description of each proposed program, including program coursework based on standards approved by the state board, and the performance-based assessment system that will be utilized to collect performance data on candidates' knowledge and skills. Each program report shall be in the form and shall contain the information prescribed by the commissioner. The program report shall include confirmation that the candidates in the program will be required to complete the following successfully:
(A) Coursework that constitutes a major in the subject at the institution or that is equivalent to a major;
(B) at least 12 weeks of student teaching; and
(C) a validated preservice candidate work sample.
(b) Review team. Upon receipt of a program report, a review team shall be appointed by the commissioner to analyze the program report. The chairperson of the review team shall be designated by the commissioner. The number of review team members shall be determined by the commissioner, based upon the scope of the program to be reviewed. Any institution may challenge the appointment of a review team member. The institution's challenge shall be submitted in writing and received by the commissioner no later than 30 days after the notification of review team appointments is sent to the institution. Each challenge to the appointment of a review team member shall be only on the basis of a conflict of interest.
(c) Program review process.
(1) In accordance with procedures adopted by the state board, a review team shall examine and analyze the proposed program report and shall prepare a report expressing the findings and conclusions of the review team. The review team's report shall be submitted to the commissioner. The report shall be

forwarded by the commissioner to an appropriate representative designated by the teacher education institution.
(2) Any institution may prepare a response to the review team's report. This response shall be prepared and submitted to the commissioner no later than 45 days of receipt of the review team's report. Receipt of the review team's report shall be presumed to occur three days after mailing. The review team's report, any response by the institution, and any other supporting documentation shall be forwarded to the evaluation review committee by the commissioner.
(d) Initial recommendation. The evaluation review committee, in accordance with procedures adopted by the state board, shall prepare a written initial recommendation regarding the appropriate status to be assigned to the proposed program, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative designated by the teacher education institution and to the commissioner.
(e) Request for hearing.
(1) Within 30 days of receipt of an initial recommendation of the evaluation review committee, the teacher education institution may submit a written request by certified mail to the evaluation review committee for a hearing before the committee to appeal the initial recommendation. Receipt of the initial recommendation of the evaluation review committee shall be presumed to occur three days after mailing. This request shall specify, in detail, the basis for the appeal, including an identification of each item disputed by the institution.
(2) If a request for a hearing is submitted, the evaluation review committee shall conduct a hearing. The committee shall then prepare a written final recommendation regarding the appropriate status to be assigned to the proposed program, which shall include a statement of the findings and conclusions of the evaluation review committee. The final recommendation shall be submitted to an appropriate representative designated by the teacher education institution and to the commissioner. The final recommendation shall be submitted by the commissioner to the state board for its consideration and determination.
(3) If a request for a hearing is not submitted by certified mail within the time allowed under paragraph (e) (1), the initial recommendation of the evaluation review committee shall become the final recommendation of the review committee. The committee's final recommendation shall be submitted by the commissioner to the state board for its consideration and determination.
(f) Approval status. Each new program shall be approved with stipulation or not approved.
(g) Annual report.
(1) If a new program is approved with stipulation, the institution shall submit a progress report to the commissioner within 60 days after completion of the second semester of operation of the program and thereafter in each of the institution's annual reports that are due on or before July 30.
(2) Each progress report shall be submitted by the commissioner to the evaluation review committee for its examination and analysis. Following review of the progress report, the evaluation review committee may remove any areas for improvement and change the status to approved until the institution's next program review.
(h) Change of approval status.
(1) At any time, the approval status of a teacher education program may be changed by the state board if, after providing an opportunity for a hearing, the state board finds that the institution either has failed to meet substantially the program standards or has materially changed the program. For just cause, the duration of the approval status of a program may be extended by the state board. The duration of the current approval status of a program shall be extended automatically if the program is in the process of being reevaluated by the state board. This extension shall be counted as part of any subsequent approval period of a program.

(2) At the time of an institution's next on-site visit, the new program shall be reviewed pursuant to K.A.R. 91-1-236.
(3) For licensure purposes, each teacher education program that is approved with stipulation shall be considered to be approved. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Aug. 6, 2004; amended Aug. 12, 2011; amended July 7, 2017.)

91-1-236. Procedures for renewing approval of teacher education program.

(a) Application for program renewal.
(1) Each teacher education institution that desires to have the state board renew the approval status of one or more of its teacher education programs shall submit to the commissioner an application for program renewal. The application shall be submitted at least 12 months before the expiration of the current approval period of the program or programs.
(2) Each institution shall also submit a program report, which shall be in the form and shall contain the information prescribed by the commissioner. The program report shall be submitted at least six months before the expiration of the current approval period of the program or programs. The program report shall include confirmation that the candidates in the program will be required to complete the following:
(A) Coursework that constitutes a major in the subject at the institution or that is equivalent to a major; and
(B) at least 12 weeks of student teaching.
(b) Review team. Upon receipt of a complete program report, a review team shall be appointed by the commissioner to analyze the program report. The chairperson of the review team shall be designated by the commissioner. The number of review team members shall be determined by the commissioner, based upon the scope of the program or programs to be reviewed. An institution may challenge the appointment of a review team member only on the basis of a conflict of interest.
(c) Program review process.
(1) In accordance with procedures adopted by the state board, each review team shall examine and analyze the program report and prepare a review report expressing the findings and conclusions of the review team. The review team's report shall be submitted to the commissioner. The report shall be forwarded by the commissioner to an appropriate representative of the teacher education institution.
(2) Any institution may prepare a written response to the review team's report. Each response shall be prepared and submitted to the commissioner within 45 days of receipt of the review team's report. The review team's report, any response filed by the institution, and any other supporting documentation shall be forwarded by the commissioner to the evaluation review committee.
(d) Initial recommendation. The evaluation review committee, in accordance with procedures adopted by the state board, shall prepare a written initial recommendation regarding the appropriate status to be assigned to the program or programs, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner.
(e) Request for hearing.
(1) Within 30 days of the receipt of an initial recommendation of the evaluation review committee, the teacher education institution may submit a written request to the commissioner for a hearing before the evaluation review committee to appeal the initial recommendation of the committee. This request shall specify, in detail, the basis for the appeal, including an identification of each item disputed by the institution.

(2) If a request for a hearing is submitted, the evaluation review committee shall conduct a hearing. The committee shall then prepare a written final recommendation regarding the appropriate status to be assigned to the program or programs, which shall include a statement of the findings and conclusions of the evaluation review committee. The final recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner. The final recommendation shall be submitted by the commissioner to the state board for its consideration and determination of program approval status according to paragraph (f)(1).
(3) If a request for a hearing is not submitted within the time allowed under paragraph (1) of this subsection, the initial recommendation of the evaluation review committee shall become the final recommendation of the review committee. The committee's final recommendation shall be submitted by the commissioner to the state board for its consideration and determination.
(f) Approval status.
(1) The status assigned to any teacher education program specified in this regulation shall be approved, approved with stipulation, or not approved.
(2) Subject to subsequent action by the state board, the assignment of approved status to a teacher education program shall be effective for seven academic years. However, the state board, at any time, may change the approval status of a program if, after providing an opportunity for a hearing, the state board finds that the institution either has failed to meet substantially the program standards adopted by the state board or has made a material change in a program. For just cause, the duration of the approval status of a program may be extended by the state board. The duration of the approval status of a program shall be extended automatically if the program is in the process of being reevaluated by the state board.
(3) (A) If a program is approved with stipulation, that status shall be effective for the period of time specified by the state board, which shall not exceed seven years.
(B) If any program of a teacher education institution is approved with stipulation, the institution shall include in an upgrade report to the commissioner the steps that the institution has taken and the progress that the institution has made during the previous academic year to address the deficiencies that were identified in the initial program review.
(C) The upgrade report shall be submitted by the commissioner to the evaluation review committee for its examination and analysis. After this examination and analysis, the evaluation review committee shall prepare a written recommendation regarding the status to be assigned to the teacher education program for the succeeding academic years. The recommendation shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner. If the institution does not agree with this recommendation, the institution may request a hearing according to the provisions in subsection (e).
(D) For licensure purposes, each teacher education program that is approved with stipulation shall be considered to be approved.
(4) Students shall be allowed two full, consecutive, regular semesters following the notification of final action by the state board to complete a program that is not approved. Summers and interterms shall not be counted as part of the two regular semesters. Students who finish within these two regular semesters may be recommended for licensure by the college or university. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Aug. 6, 2004; amended Aug. 12, 2011.)

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number:

Staff Initiating:	Director:	Commissioner:	Meeting Date:	6/12/2024
Shane Carter	Shane Carter	Randy Watson		

Item Title:

Act on New Appointments to the Professional Practices Commission

Recommended Motion:

It is moved that the Kansas State Board of Education act to appoint _____ (Carla Breckenridge, Angie Powers, Anita White, Candace Landers, Dylan Graves, Kori Lopez, Heather Christner or Leona Engelcke) to serve on the Professional Practices Commission representing a Public School Classroom Teacher-At-Large position. The appointed nominee would serve a full-term effective July 1, 2024 through June 30, 2027.

It is moved that the Kansas State Board of Education act to appoint _____ (Carla Breckenridge, Angie Powers, Anita White, Candace Landers, Dylan Graves, Kori Lopez, Heather Christner or Leona Engelcke) to serve on the Professional Practices Commission representing a Public School Classroom Teacher-At Large position. The appointed nominee would serve a full-term effective July 1, 2024 through June 30, 2027.

It is moved that the Kansas State Board of Education act to appoint _____ (Candace Lander, Heather Christner or Kori Lopez) to serve on the Professional Practices Commission representing a Public School Elementary Classroom position. The appointed nominee would serve a full-term effective July 1, 2024 through June 30, 2027.

It is moved that the Kansas State Board of Education act to appoint _____ (Erica Shook) to serve on the Professional Practices Commission representing a Public High School principal position. The appointed nominee would serve a full-term effective July 1, 2024 through June 30, 2027.

It is moved that the Kansas State Board of Education act to appoint _____ (John West) to serve on the Professional Practices Commission representing a Public School Elementary School principal position. The appointed nominee would serve a full-term effective July 1, 2024 through June 30, 2027.

Explanation of Situation Requiring Action:

The Professional Practices Commission (PPC) is charged with investigating and making recommendations to the Kansas State Board of Education regarding the disposition of licensees and applicants alleged to have engaged in professional misconduct. Currently, there are five open positions on the PPC – Public School Classroom Teacher (any level). The Kansas State Department of Education solicited nominations from throughout the state, and those nominations are now before the State Board. It is recommended that the Kansas State Board of Education appoint members of the Professional Practices Commission as stipulated under the statute, K.S.A. 72-2315, which states: "members shall be appointed for three-year terms and no person shall be appointed to serve longer than two full terms in addition to any term of a period less than three years."

When soliciting nominees, the Kansas State Department of Education requested / suggested nominees from school districts that are not already represented on the PPC. This suggestion is made for two reasons: the State Board wishes to spread representation around to as many different districts as possible, and because PPC members that work in the same district as an Applicant/Licensee that's accused of engaging in misconduct are usually asked to recuse themselves from the hearing. Having multiple PPC members recused often leads to a failure to reach a quorum. The Department asks the State Board to take that into consideration when making these appointments.

The attached information is for the person(s) who are nominated to fill vacancies on the Professional Practices Commission.

Nominee's Full Name: ↑	KSBE district:	The school district in which you work:	Who do you represent:	Admin Level:	Level you Teach:	Nominee represents school district size of:
Erica Shook	District 7	313 Buhler	Administator	Building	N/A	1201-2500

Please state briefly, your qualifications for this appointment:

Prior to becoming an administrator, I taught high school English for 11 years as well as having been an adjunct professor of English and Teacher Education for the past 13 years. For the past 3 years I have served as the K-12 principal of Ad Astra Virtual and Alternative Academies in Buhler. I have been a licenced educator in Kansas since 2010 and held a substitute license prior to that.

Working and educational experience:

I have a variety of education experiences from PreK-12 to post-secondary. I have been an active member in KNEA and my local associations as well as serving on our negotiations team for most of my career. As an officer in our local association, I spent many hours working directly with teachers as it related to licensing and negotiated agreements.

ERICA SHOOK

TEACHER LEADER AND ADMINISTRATOR

WORK EXPERIENCE

DIRECTOR

AD ASTRA ACADEMIES | JUNE 2021 - PRESENT

ENGLISH DEPARTMENT CHAIR

MCPHERSON HIGH SCHOOL | AUGUST 2010 - MAY 2021

- Taught Dual-Credit Composition I and II, College Bound English, LeadWorthy, Exploring Teaching as a Career, Teaching Internship Supervisor, Developmental English, English II, English III, Senior English, Greco-Roman Mythology, European and World Mythology

ADJUNCT PROFESSOR OF ENGLISH

MCPHERSON COLLEGE | AUGUST 2013 - PRESENT

- Currently Teaching Young Adult Literature (EN-320), Intercultural Education (CI-333), Cultural Diversity (CI-658)
- Previously Taught College Composition I and II (EN-110 and EN-111)

FOUNDER AND CHAIR

KANSAS EDUCATORS SUPPORT FOUNDATION

ACADEMIC HISTORY

Tabor College

CERTIFICATE | JUNE 2023 - AUGUST 2024

- Certificate in Neuroscience and Trauma

Emporia State University

PROFESSIONAL CERTIFICATE | JUNE 2020 - DECEMBER 2020

- Certificate in Building Level Leadership

Creighton University

ED.D. (ABD) | AUGUST 2015 - DECEMEBER 2019

- Doctoral Candidate (ABD) in Interdisciplinary Leadership
- Working Dissertation Title: Novice Teacher Induction and Mentoring: A Comparative Case Study

Ft. Hays State University

MLS | AUGUST 2010 - DECEMBER 2013

- Master of Liberal Studies in Humanities with an Emphasis in Literary Arts

McPherson College

BA | MAGNA CUM LAUDE | August 2006 - May 2010

- Bachelor of Arts in English with 6-12 Teaching Licensure

PROFESSIONAL PURPOSE

I am passionate about helping educators fuel their own passions by supporting them in their continued professional learning and collaboration and encouraging future teachers to forge their path into one of the greatest professions in the world.

AREAS OF EXPERTISE

- Project/Problem-Based Learning
- Equity-Centered Design Thinking
- Culturally Responsive Teaching
- STEAM
- Service-Learning
- Young Adult Literature
- Book Studies
- Alternative and Virtual Education
- Building Teacher Leaders
- AP Coordinator
- LeadWorthy (CKH)
- Google Applied Digital Skills

HONORS AND AWARDS

- LaunchLearning Fellow
- Google Applied Digital Skills Ambassador
- LEGO Master Educator, 2020 and 2021
- Dayton Rothrock Alumni Fellow, 2019
- Kansas Teacher of the Year Nominee, 2019
- USD 418 Secondary Educator of the Year, 2018
- ECET-2 Kansas Teacher, 2018 and 2019
- Who's Who Among American Colleges and Universities, 2010
- Teacher of Promise 2009
- McPherson College Service-Learning Award, 2008 and 2009

PRESENTATIONS

- GOOGLE APPLIED DIGITAL SKILLS, NAEA, TAMPA, FL, OCTOBER 2023
- PLAY ATTENTION: A PLAYFUL MINDSET MEETS ACADEMIC CONTENT, KANSAS LEADS, MANHATTAN, KS, APRIL 2023
- READING FOR ACTION: ENGAGING YOUTH IN SOCIAL JUSTICE THROUGH YOUNG ADULT LITERATURE, KANSAS LEADS, ANDOVER, KS, APRIL 2022
- GOOGLE APPLIED DIGITAL SKILLS FOR THE VIRTUAL SCHOOL, KVLC, ANDOVER, KS, FEBRUARY 2022
- REVOLUTIONIZING THE VIRTUAL SCHOOL EXPERIENCE, KVLC, ANDOVER, KS, FEBRUARY 2022
- EXTREME STEAM EDU FOR VIRTUAL STUDENTS, KVLC, ANDOVER, KS, FEBRUARY 2022
- EXTREME STEAM EDU, ISTE 2020, ZOOM, NOVEMBER 2020
- LEARNING ACROSS KANSAS, PBS/KSDE PARTNERSHIP, HIGH SCHOOL SEASON 1, EPISODES 4-6, APRIL - MAY 2020
- EXTREME STEAM EDU, ISTE 2020, ANAHEIM, CA, JUNE 2020 (CANCELED DUE TO COVID-19)
- EXTREME STEAM EDU, MACE CONFERENCE, MANHATTAN, KS, MARCH 2020
- EXTREME STEAM EDU, KEEN STATE EDUCATION CONFERENCE, TOPEKA, KS, FEBRUARY 2020
- EXTREME STEAM EDU, CTE CONFERENCE, MANHATTAN, KS, FEBRUARY 2020
- FUTURE TEACHER TOOLBOX, CTE CONFERENCE, MANHATTAN, KS, FEBRUARY 2020
- THE LEADER IN YOU: LEARNING FROM EACH OTHER, SHOWCASING OUR SCHOOL DISTRICTS, KTOY LEADERSHIP CONFERENCE, WICHITA, KS, NOVEMBER 2019
- PROJECT LIT COMMUNITY, KATE CONFERENCE, WICHITA, KS, OCTOBER 2019
- EXTREME STEAM EDU, KATE CONFERENCE, WICHITA, KS, OCTOBER 2019
- EQUITY-CENTERED DESIGN THINKING, MCPHERSON COLLEGE EDCHAT, MCPHERSON, KS, OCTOBER 2019
- PROJECT LIT COMMUNITY, NERDCAMP, HESSTON, KS, JUNE 2019
- PROJECT LIT MAC, PROJECT LIT SUMMIT, NASHVILLE, TN, JUNE 2019
- PROJECT LIT COMMUNITY, KATE CONFERENCE, WICHITA, KS, OCTOBER 2018

LEADERSHIP AND COMMUNITY ACTIVITIES

- HUMAN RIGHTS CONSULTANT, US INSTITUTE OF DIPLOMACY AND HUMAN RIGHTS
- OVT MEMBER AND CHAIR
- LAUNCH LEARNING FELLOW, KANSAS COSMOSPHERE
- KANSAS COSMOSPHERE GOVERNING BOARD MEMBER AND SECRETARY
- MINDSPARK FUTURES FELLOW
- SOCIAL JUSTICE LEADERSHIP COMMITTEE (KNEA)
- GOOGLE APPLIED DIGITAL SKILLS AMBASSADOR
- INTERIM BLUEPRINT REVIEW TEAM (KSDE) 7-12 ELA
- KANSAS STATE DEPARTMENT OF EDUCATION (KSDE) 9-10 ELA COMPETENCIES/RUBRICS TEAM
- 6-12 ELA CURRICULUM REVIEW TEAM, MCPHERSON HIGH SCHOOL
- CAMP SUNFLOWER, BOARD MEMBER
- KNEA READING CIRCLE COMMISSIONER, UD 1 VALLEY
- COMMUNITY MENTAL HEALTH COALITION MEMBER, MCPHERSON
- PATIENT AND FAMILY ADVISORY COUNCIL MEMBER, MCPHERSON HOSPITAL
- KANSAS STATE DEPARTMENT OF EDUCATION (KSDE) ELA STANDARDS REVIEW TEAM
- LITERACY NETWORK OF KANSAS (LINK) ADOLESCENT LITERATURE COMMUNITY OF PRACTICE LEADER
- EXTREME STEAM EDU CO-FOUNDER
- COOPERATING TEACHER
- KANSAS TEACHER OF THE YEAR TEAM C
- PROJECT LIT MAC FOUNDER/PROJECT LIT COMMUNITY CHAPTER LEADER
- MCPHERSON COLLEGE TEACHER EDUCATION PROGRAM REVIEW BOARD
- SENIOR CLASS SPONSOR

PROFESSIONAL MEMBERSHIPS

- USA/KPA
- ISTE
- KEEN
- KNEA
- MCPHERSON EDUCATION ASSOCIATION, VICE-PRESIDENT/ACTING PRESIDENT (PAST)
- KANSAS ASSOCIATION OF TEACHERS OF ENGLISH, VICE-PRESIDENT (PAST)
- NATIONAL COUNCIL OF TEACHERS OF ENGLISH (PAST)
- PROJECT LIT COMMUNITY
- ROTARY CLUB, MCPHERSON (PAST)
- OPTIMISTS CLUB, MCPHERSON (PAST)

PROFESSIONAL DEVELOPMENT AREAS OF FOCUS

- NEUROSCIENCE AND TRAUMA
- CULTURALLY RESPONSIVE TEACHING
- SOCIAL AND RACIAL JUSTICE IN EDUCATION
- LGBTQ+, HUMAN RIGHTS CAMPAIGN
- ALTERNATIVE AND VIRTUAL EDUCATION
- MICROSCHOOLS
- BIBLIOTHERAPY, LITERATURE, AND MENTAL HEALTH CERTIFICATION
- THE SCIENCE OF WELL-BEING, YALE
- DYSLEXIA TRAINING
- SAFE ZONE TRAINING, WICHITA, KS
- ACTION CIVICS
- CTE/ISTE
- TEACHER RETENTION SUMMIT, MANHATTAN, KS
- PROJECT LIT COMMUNITY SUMMIT, NASHVILLE, TN
- MINDSPARK EQUITY-CENTERED DESIGN THINKING, LAS VEGAS, NV
- YOUTH MENTAL HEALTH FIRST AID USA CERTIFICATION
- KANSAS TEACHER OF THE YEAR LEADERSHIP CONFERENCE
- ECET2-KANSAS
- PROCESS CHAMPIONS TRAINING: CAPTURING KIDS' HEARTS
- CAPTURING KIDS' HEART
- RON CLARK ACADEMY 2-DAY EDUCATOR TRAINING, ATLANTA, GA
- KANSAS LEADERSHIP CENTER YOUR LEADERSHIP EDGE, WICHITA, KS
- BUCK INSTITUTE PBL TRAINING (LEVELS 1 AND 2)
- ACES TRAUMA INFORMED TRAINING
- INSPIRED LEADERSHIP, ENERGY LEADERSHIP ASSESSMENT AND COACHING

Nominee's Full Name: ↑	KSBE district:	The school district in which you work:	Who do you represent:	Admin Level:	Level you Teach:	Nominee represents school district size of:
John West	District 9	387 Altoona	Administator	District	N/A	0-400

Please state briefly, your qualifications for this appointment:

I am currently certified and working in Kansas as both an elementary principal and a district superintendent. I have twenty-five years of experience in schools, the last five years being in Kansas, first as a teacher, then as an administrator.

Working and educational experience:

I have taught and administered in schools for twenty-five years, fifteen of those years being in schools overseas, so I have witnessed a very wide quality of educators and settings. I volunteer on a K-12 international accreditation team and I volunteer with Catherine Chmidling's university accreditation teams in Kansas.

JOHN WEST

FORMAL EDUCATION

Emporia State University, Emporia, Kansas
District Supervisor (superintendent) and Building Supervisor (Principal) programs

Arkansas State University, Jonesboro, Arkansas
MSE, Educational Theory and Practice

University of Kansas, Lawrence, Kansas
BSE, Comprehensive Social Studies and Elementary Education

CERTIFICATION

State of Kansas, Professional Teaching License

- District Leadership (PRK-12)
- Building Leadership (PRK-12)
- Elementary (K-9)
- ESOL (PRK-12)
- ELA (6-12)
- Psychology (6-12)
- Science (5-8)
- Social Studies-Comprehensive (5-12)

PROFESSIONAL WORK EXPERIENCE

Altoona-Midway Public Schools (2022-current)

- Superintendent and Elementary Principal

Healy Public Schools (2019-2022)

- K-12 Principal
- Middle and High School Social Sciences Teacher

Bilkent Laboratory & International School (2016-2019)

- High School Principal
- Psychology and Theory of Knowledge Teacher

American International School of Vilnius (2011-2016)

- Assistant Head of School
- High School History, Theory of Knowledge, Geography, Psychology, Economics, and Government Teacher
- Middle School English Teacher
- Extended Essay Coordinator
- SAT Test Center Coordinator

American International School of Jeddah (2009-2011)

- Social Studies HOD
- High School History, Geography, Psychology, and Government Teacher

American International School of Bamako (2007-2009)

- Lead Teacher (sole onsite administrator)
- Grades 4-7 Teacher

International Programs School (2004-2007)

- High School History and English Teacher
- Middle School History and English Teacher
- Grade 5 Teacher
- Model United Nations Coordinator

Kansas City, Kansas, Public Schools (2001-2004)

- Middle School History, Geography, Science Teacher

Garden City Public Schools (1999-2001)

- Grade 7 ELA Teacher

Kansas City, Kansas, Public Schools (1998-1999)

- Grade 4 Teacher

Nominee's Full Name: ↑	KSBE district:	The school district in which you work:	Who do you represent:	Admin Level:	Level you Teach:	Nominee represents school district size of:
Anita Ann White	District 9	250 Pittsburg	Teacher	N/A	High School	1201-2500

Please state briefly, your qualifications for this appointment:

I have been fully certified in Kansas since 2004 and have worked at Pittsburg High School since that time.

Working and educational experience:

I have taught 20 years at PHS as student publication advisor and in the Social Studies Department where I presently serve as chair. I have been involved in multiple committees at the building and district level and serve on KSDE committees including Licensure Review Committee, Teacher Licensure Regulations Committee, and just joined the HGSS Standards Committee for Teacher Education Preparation. As a classroom teacher, I bring the voice of my peers and my own experience to the table in these opportunities.

Anita White

Teaching Experience

Pittsburg High School 2004 to present

2011 to present: Social Studies Department, ESOL Department

Courses: American History, World History, World Geography, American Government, AP US Government and Politics, Justice Studies, World History Special Topics: The Holocaust, ESOL American History, ESOL World History, ESOL Government

2004 to 2011 Student Publications Adviser

Courses: Introduction to Journalism, PhotoImaging, Student Publications (Newspaper and Yearbook)

Additional Responsibilities have included: Social Studies Department Chair, Building Leadership Team, Academic Detention Instructor, ESOL Department, CTE Department

Education

Masters of Science	Curriculum & Instruction	Emporia State University 2017
Master of Arts	World History	Pittsburg State University 2013
Teaching Certificate	Secondary Education	Pittsburg State University 2004
Master of Science	Community College Teaching	Pittsburg State University 1992
Bachelor of Arts	History	Pittsburg State University 1989
Legal Education	45 Hours	University of Kansas School of Law 1993-94

Continuing Education includes:

United States Holocaust Memorial Museum Belfer Conference 2022, 2023

Roots of Arab Spring NEH Institute 2013

APSI U.S. Government and Politics 2022, 2023

Professional Organizations and Activities

Kansas State Department of Education Feb. 2024 to present	HGSS Standards for Teacher Preparation Program Committee
Kansas State Department of Education 2020 to present	Licensure Review Committee
Kansas State Department of Education 2020 to present	Regulations Committee
Kansas Council for the Social Studies	member
National Council of Social Studies	member
Journalism Education Association	member 2004-2010
Columbia Scholastic Press Association	member 2004 2010, Publications Judge multiple years
Kansas National Education Association	member since 2004

Building Representative, State Representative Assembly, Bargaining Team, Local President 2023 to present, Uniserv Southeast Administrative Board At-Large member, Uniserv Southeast Administrative Board President, KNEA Board of Directors Member 2019 to present, NEA Representative Assembly (multiple years), NEA Leaders for Just Schools 2020 to present

Education Awards and Presentations

CSPA Judge

CSPA Convention Speaker

Certified Journalism Educator

Walsworth Trainings

PSU Graduate Scholarship

Phi Alpha Phi

Phi Alpha Theta

Nominee's Full Name: ↑	KSBE district:	The school district in which you work:	Who do you represent:	Admin Level:	Level you Teach:	Nominee represents school district size of:
Carla Breckenridge	District 7,District 8,District 10	259 Wichita	Teacher	N/A	Middle School	5001 and over

Please state briefly, your qualifications for this appointment:

I am currently a certified 6th grade ELA teacher in USD259 Wichita Public Schools actively practicing in Kansas. I have practiced in Kansas as a teacher with USD 259 since I began my teaching career in 2006. I have taught in both elementary school and middle school, with the previous two years taught in middle school, and the previous 16 years taught in elementary school.

Working and educational experience:

My educational experience includes 18 years of teaching experience, with 16 years having taught elementary school, and the last two years having taught middle school 6th grade ELA. My experience includes team lead, grade level lead, and participation on various district-level committees including restorative practice trainer of trainers, behavior support committee,

Carla M. Breckenridge

Education: Newman University - Building Leadership Program; 2015
Newman University - MSED; ESOL Endorsement 2013
Wichita State University - B.A., Elementary Education; 2006
Texas Southern University - B.A, Journalism; 1988

Experience:

2022-Present 6th Grade ELA Middle School Teacher, Wichita Public Schools; Wichita, KS

- **Taught: Sixth Grade English**
- **Grade Level Team Lead (2022-2023)**
- Collaborated with staff, parents, community stake holders to meet the diverse needs of students of ethnic backgrounds, socio economically limited resources, disabilities, and English language learners.

2006-Present Certified Elementary School Teacher, ESOL Endorsed Wichita Public Schools; Wichita, KS

- **Taught: Fifth, Second and Third Grades** in ESOL and title schools.
- Developed and implemented differentiating core and intervention instruction for core knowledge curriculum with rigor and fidelity.
- Assessed, evaluated, progress monitored and utilized data analysis to improve student growth for tier leveled students. Increased low performance into a school that achieved the Standard of Excellence in reading.
- **Cooperating Teacher**: Provided coaching, feedback, mentoring, informal and formal evaluations with the student teachers that I supervised. **Peer Mentor**: Provided coaching and feedback to improve instruction for a colleague.
- Collaborated with staff, parents, community stake holders to meet the diverse needs of students of ethnic backgrounds, socio economically limited resources, disabilities, and English language learners.
- **District Level Leadership: Diversity & Equity Champion Committee; WABSE Workgroup; Family Engagement Workgroups**
- **Building Leadership:** Supported building level administration in implementing building wide protocols. Assisted in interviewing classified and certified staff.
- **Grade Level Leadership:** Fifth and Third; Increased accountability of core rigor and teaching to fidelity among team. AVID: Increased student accountability with AVID strategies.
- Actively participated on **Family Engagement** and Literacy Teams to create partnership with student, family, and community stakeholders. Collaborated with staff and grade level colleagues, in supporting the vision for student achievement.

2017-2020 Kansas Strong, Master Teacher.
- Provided professional development and coaching STEM workshops for Kansas elementary and middle school teachers throughout the state of Kansas.

2014-2018 Summer STEM Academy Teacher, Wichita Public Schools
- From the inception of the Mueller Summer STEM Academy, developed and provided rigorous, integrated, and engaging STEM enrichment instruction for incoming fifth and third grade students.

2002-2013 TRIO Program Upward Bound Instructor, EOC Instructor & HAP Tutor, Wichita State University
- Provided differentiated basic adult education instruction to adult and veteran learners.
- Provided integrated enrichment summer instruction and after school tutoring to high school students during the academic school year.

Accomplishments

2020 - 2021 Back to School Virtual Summer Prep Class/ACT Prep Class
- Developed and provided virtual summer tutoring classes for 2-7th grade students to close the academic learning gap as a result of the COVID-19 pandemic, and provided ACT Prep classes for high school students.

2019 - 2021 Two-Day Third Grade STEM Technology Exploration, Wichita Public Schools
- Partnered with my son Landon Breckenridge, a WPS grad and a Microsoft software engineer to provide a two-day stem technology exploration coding class for all third graders. Following the two-day class, eight students received their very own Ipads, through a partnership with fellow software engineers at Microsoft.

2018-2019 Bossgirls, Wichita Public Schools
- Developed and led Bossgirls, a fifth-grade girls empowerment group to address behavior, bullying, self-esteem, and social skills. Over 70% of the girls actively engaged in bi-weekly meetings that addressed pre-adolescent issues, and graduated from the program.

2017 Family Engagement Evening Activity/Field Trip, Wichita Public Schools

- Coordinated a viewing of the Hidden Figures movie with 30 of my former third graders and their families to educate them on the contributions of African American NASA scientists.

Professional Organization

- **KNEA - Racial Justice Leadership Committee**

Relevant Training

Restorative Practice Trainer of Trainers
NEA Women & Minority Leadership Training
Opportunity Teacher Leader Academy – Wichita Public Schools
Behavior Technical Academy (Inaugural Class) – Wichita Public Schools
BIST Training
CHAMPS Training
Just Add Arts Social Emotional Symposium
Trauma Informed Schools Training
8 to Great Powercoach Training
AVID Training
LETRS Training
Reading Symposium
SRG Summer Training

Community Involvement

2021– Present Girl Scouts of Heartland Kansas

- **Board of Directors**
  - Girl Scout champions leadership growth in girls through community service, personal development, and fun-filled experiences in Girl Scouts – the pre-eminent leadership development organization for girls.

1992-Present Wichita (KS) Chapter of The Links, Incorporated

- **Chapter President (2022-2024)**
- The Links, Incorporated is an international, not-for-profit corporation, established in 1946. It is one of the nation's oldest and largest volunteer service organizations committed which has five facets which include Services to Youth, The Arts, National Trends and Services, International Trends and Services and Health and Human Services. The programs are implemented through strategies such as public information and education, economic development, and public policy campaigns.
- **Conference Chair** (2013-2020) **Leadership U- Achieving the Dream Annual African American High School Leadership Conference**
- Collaborated with local colleges and universities, corporate sponsors, community partners, and committee members effectively to develop and promote an annual community wide diversity leadership program for area high school students and parents.
- Experience designing, implementing, and integrating effective community wide youth development programs (from early learning through college), with initiatives in the areas of education, health, public safety, financial asset building, arts and humanities, adult education, and community/family engagement. Developed an annual budget.
- **Parent Engagement Workshop Presenter**

Recognition and Awards

2019 Wichita Public Schools Excellence in Public Service Award Recipient
2019 Rise Up for Youth – Sisterhood Class Act Award
2019 & 2004 Good Apple Award Recipient
2018 Doris Kerr Larkin Award Recipient
2010 Advance Kansas Leadership Participant

Nominees for Professional Practices Commission

Teacher Licensure | KSDE | Landon State Office Building | 900 SW Jackson Street, Suite 106 | Topeka, Kansas 66612-1212 | Phone: 785-296-2288 | www.ksde.org

NOMINEE-COMPLETE THIS FORM AND ENCLOSE A COPY OF RESUME OR VITA

NAME OF BOARD/COMMISSION/COMMITTEE:

☒ Professional Practices Commission

Nominated by (organization, individual or State Board member) KANAAE Date 5/21/24

Nominee's Name Dylan Graves Occupational Title Teacher

Place of employment Hutchinson High School Address 810 E. 13th Ave.

City Hutchinson State KS Zip 67501

Home address 1019 N. Monroe St.

City Hutchinson State KS Zip 67501

Home e-mail Work e-mail graves.dylan@usd308.com

Work Phone Home Phone

State Board District(s) (that you work in): 7

Nominee represents school district or post Secondary institution size of:

☐ 0-400 ☐ 400-1200 ☐ 1200-2500 ☒ 2500-5000 ☐ 5000 and over

Please state briefly:

Qualifications for this appointment as set forth in the statute or policies developed by the Advisory Council. These qualifications include: **currently certified and actively practicing in Kansas, have at least five years' professional educational experience, and have been in active practice the immediately preceding three years and at the time of appointment.**

-Currently certified teacher and actively practicing in KS
-Just completed 5th year in education
-Have been actively practicing since 2019-2020 school year

Working and educational experience which might be pertinent to this appointment.

-Have taught at the elementary, middle, secondary level
-Several years in leadership experience as a head and assistant coach in various sports
-M.S. in Educational Administration

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Dylan Graves

EXPERIENCE

Hutchinson High School, Hutchinson, KS — *Teacher, Social Studies*

August 2023 - Present

Work as a classroom teacher teaching 9th grade world history and 11th grade U.S. history. Also fill various roles within the school.

Hutchinson Middle School-8, Hutchinson, KS — *Teacher, Social Studies*

August 2020 - August 2023

Worked as a classroom teacher teaching 8th Grade Social Studies. This included American History from 1760-1900. Also filled various roles within the school i.e. lunchroom supervision, playground supervision, before/after school monitor etc.

Morgan Elementary School, Hutchinson, KS — *Teacher, 6th Grade*

August 2019 - August 2020

Worked as a classroom teacher teaching 6th grade. This included teaching 6th grade math, reading, and writing.

EDUCATION

Emporia State University, Emporia, KS — *M.S. Educational Administration*

AUGUST 2022 - MAY 2024

Kansas State University, Manhattan, KS — *B.S. Elementary Education*

AUGUST 2015 - MAY 2019

REFERENCES

References can be provided upon request

SKILLS

Leader

Communicator

Classroom Management

Restorative Behavior Practices

AWARDS/MEMBERSHIPS

2021-22 Davis Foundation Teacher of the Year Runner-Up

Hutchinson Middle School-8 Building Leadership Team.

Hutchinson Middle School-8 Redesign Team

KANAAE Member (2019-present)

Coaching Experience

Hutchinson High School Football - Asst. Coach (2020-present)

Hutchinson Middle School Track & Field - Head Coach (2020 - present)

Hutchinson Middle School-8 Basketball - Asst. Coach (2021 - present)

Nominees for Professional Practices Commission

Teacher Licensure | KSDE | Landon State Office Building | 900 SW Jackson Street, Suite 106 | Topeka, Kansas 66612-1212 | Phone: 785-296-2288 | www.ksde.org

NOMINEE-COMPLETE THIS FORM AND ENCLOSE A COPY OF RESUME OR VITA

NAME OF BOARD/COMMISSION/COMMITTEE:

☑ Professional Practices Commission

Nominated by (organization, individual or State Board member) KANAEE Date 5/19/24

Nominee's Name Heather Christner Occupational Title Autism Coordinator

Place of employment USD 373 Address 308 W 1st

City Newton State KS Zip 67114

Home address 303 E. Main

City Lehigh State KS Zip 67073

Home e-mail heather.christner1121@gmail Work e-mail heather.christner@usd373.org

Work Phone Home Phone 620-877-7621

State Board District(s) (that you work in): 7

Nominee represents school district or post Secondary institution size of:

☐ 0-400 ☑ 400-1200 ☐ 1200-2500 ☐ 2500-5000 ☐ 5000 and over

Please state briefly:

Qualifications for this appointment as set forth in the statute or policies developed by the Advisory Council. These qualifications include: **currently certified and actively practicing in Kansas, have at least five years' professional educational experience, and have been in active practice the immediately preceding three years and at the time of appointment.**

I have been an educator in Kansas for 14 years, with the last 3½ years as a special educator at USD 373 in a low-incidence classroom. My experience includes teaching special education at all grade levels (K-12) as well as experience in all settings (self-contained, resource room and co-taught neral education classroom).

Working and educational experience which might be pertinent to this appointment.

During my career, I have served as a member of my building leadership team as well as served on multiple support teams that serve my district. I am currently in the last semester of my master's program in Behavior Analysis. Through this program, I have had the opportunity to study organizational systems and learn how to evaluate the effectiveness of instructional practices. I believe these skills will serve the committee well in developing effective Professional Practices.

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Heather N. Christner

Objective

To obtain employment as an internal coach for the purpose of providing instructional and behavioral coaching and support to educators.

Licensure

Kansas State Professional Teaching License — May 2014
License # 4244122389

- Early-Late Generalist K-6
- Adaptive Special Education K-6
- Adaptive Special Education 6-12

Education

Hillsboro High School — May 2005
- 3.5 GPA — *Hillsboro, KS*

Tabor College, Hillsboro, KS — May 2010
- B.S. Education/Special Education — *Hillsboro, KS*

Florida Institute for Technology — Current
- M. A. Behavior Analysis Practice — *Melbourne, FL*

Work Experience

USD 373 – Newton Public Schools — **February 2021-current**
Newton High School — *Newton, KS*
Structured Learning Teacher

- Provide case management of low-incidence and high-incidence Individualized Education Plans including, but not limited to: data collection, parent/teacher communication, maintaining appropriate documentation, Positive Behavior Supports Plan implementation
- Provide instructional supports in the self-contained setting that focuses on structured learning strategies as well as strategies for students with ASD
- Complete TASN's InSTEP and Regionalization requirements, including trainings and regular coaching sessions, Verbal Behavior programming, and antecedent-based strategies
- Enroll & participate in TASN's Border to Border Supervision program to meet the certification requirements for the Behavior Analyst Certification Board

Marion County Special Education Cooperative #617 — August 2016-current
Marion Elementary School — *August 2010-January 2021*
Structured Learning/4-5 Resource Room Educator — *Marion, KS*

- Provide case management of low-incidence and high-incidence Individualized Education Plans including, but not limited to: data collection, parent/teacher communication, maintaining appropriate documentation, Positive Behavior Supports Plan implementation

- Provide instructional supports in the self-contained setting that focuses on structured learning strategies as well as strategies for students with ASD
- Complete a variety of TASN-led trainings, focusing on structured learning teaching strategies, Verbal Behavior programming, and antecedent-based strategies
- Attend TASN coaching sessions to utilize said strategies to assist in building programming for individualized student needs

OASIS Day School **August 2016-July 2019**

High Incident Resource Room Educator *Marion, KS*

- Provide case management of low-incidence and high-incidence Individualized Education Plans including, but not limited to: data collection, parent/teacher communication, maintaining appropriate documentation, Positive Behavior Supports Plan implementation
- Provide instructional supports in the day-school setting that focuses on behavior modification and academic supports
- Implementation of school-wide Positive Behavior Support and Response-to-Intervention programs through the Creating Student Success model created by Tricia Wells

Hutchinson Public Schools **August 2011-July 2016**

Interrelated Resource Room Educator *Hutchinson, KS*

- Provide case management of high-incidence Individualized Education Plans including, but not limited to: data collection, parent/teacher communication, maintaining appropriate documentation, Positive Behavior Supports Plan implementation
- Assisted with implementation of district-wide PBIS curriculum as part of building leadership team
- Provided co-taught instruction in general education setting to support inclusion by using Universal Design for Learning and tiered English/Language Arts instruction
- Supported the professional development of multiple first-year teachers through implementation of the co-teaching instructional model

Nominee's Full Name: ↑	KSBE district:	The school district in which you work:	Who do you represent:	Admin Level:	Level you Teach:	Nominee represents school district size of:
Candace M Landers	District 8	260 Derby	Teacher	N/A	Elementary	2501-5000

Please state briefly, your qualifications for this appointment:

I am currently certified and actively practicing in Kansas, Have at least five years' professional educational experience, and have been in active practice.

Working and educational experience:

I have been an educator of fifteen years; serving in both public and private schools. My background includes working with general education students, as well as special services including Special Education and Gifted. I have served in may leadership roles during my career.

CANDACE LANDERS

EDUCATOR · ADVOCATE · WRITER

PROFILE

Elementary educator with fifteen years in education pursuing an advisory position with the State of Kansas' Professional Practices Commission..

A strong voice for educators. A fierce advocate for students.

PROFESSIONAL ACCOMPLISHMENTS

Board Member | 2023 - Present
Kansas National Education Association

Member | 2023 - Present
KNEA Strategic Focus Grant Committee

| 2023 - Present
Kansas National Education Association

Vice President | 2023-2024
Derby National Education Association

Advisor | 2023-2024
Superintendent's Advisory Council

Building Representative | 2021 - Present
Derby National Education Association

Member | March 2021 - Present
Derby Five Year Strategic Planning Committee

Grade Level Writing Instructor

Building Lead Teacher | 2021 - Present
Mathematics

Member | 2019-2021
Building Leadership Team

EXPERTISE

Team Building

Public Speaking

Curriculum & Lesson Design

Data Analysis

Coaching

INTERESTS

Research & Development

Writing & Journalism

Neurodivergence

Mental Health

Social Media

Politics

WORK EXPERIENCE

EDUCATOR
Derby Public Schools | Derby, KS | 2019-Present

- Implement strategies for students with learning differences
- Provide a variety of opportunities to help students with social emotional learning
- Collaborate with building principal to address staff concerns

EDUCATOR
The Independent School | Wichita, KS | 2017-2019

- Delivered differentiated core content to all learners
- Member of the Curriculum Committee that sourced, analyzed, and procured new reading curriculum
- Ran after-school enrichment program

EDUCATOR
Caldwell Elementary | Wichita, KS | 2011-2012, 2014-2016

- Assessed, recorded, and communicated student progress
- Organized learning resources and classroom environment to facilitate positive learning experience
- Grew exponentially in the area of effective team building

EDUCATOR
Country Meadows Elementary | Peoria, AZ | 2013-2014

- Created a collaborative learning environment with students of varying backgrounds while building an atmosphere of respect and rapport
- Supported students with Individual Education Plans by appropriately scaffolding lessons while maintaining high expectations

EDUCATOR
Creative Castle | Peoria, AZ | 2012-2013

- Created a pleasant, inviting classroom atmosphere in which children felt comfortable and secure
- Planned and taught grade appropriate lessons
- Managed classroom behavior and interactions

EDUCATION

BACHELOR OF EDUCATION
Elementary Education

Wichita State University
2006-2011

RELATED EXPERIENCE

POLL WORKER
Sedgwick County
Various Sites | 2020-present
Wichita, KS

- Meaningful civic engagement

TEACHER
Wichita Oasis
Wichita, KS | 2015-2017

- Developed curriculum for Sunday children's group

STUDENT TEACHER
Caldwell Elementary
Wichita, KS | 2010-2011

- Gained knowledge of effective management strategies

AVID TUTOR
Wichita Public Schools
Wichita, KS | 2010-2011

- Facilitated and mentored cooperative groups of young learners

Nominees for Professional Practices Commission

Teacher Licensure | KSDE | Landon State Office Building | 900 SW Jackson Street, Suite 106 | Topeka, Kansas 66612-1212 | Phone: 785-296-2288 | www.ksde.org

NOMINEE-COMPLETE THIS FORM AND ENCLOSE A COPY OF RESUME OR VITA

NAME OF BOARD/COMMISSION/COMMITTEE:

☒ Professional Practices Commission

Nominated by (organization, individual or State Board member) KANAAE Date 5/21/24

Nominee's Name Dylan Graves Occupational Title Teacher

Place of employment Hutchinson High School Address 810 E. 13th Ave.

City Hutchinson State KS Zip 67501

Home address 1019 N. Monroe St.

City Hutchinson State KS Zip 67501

Home e-mail Work e-mail graves.dylan@usd308.com

Work Phone Home Phone

State Board District(s) (that you work in): 7

Nominee represents school district or post Secondary institution size of:

☐ 0-400 ☐ 400-1200 ☐ 1200-2500 ☒ 2500-5000 ☐ 5000 and over

Please state briefly:

Qualifications for this appointment as set forth in the statute or policies developed by the Advisory Council. These qualifications include: **currently certified and actively practicing in Kansas, have at least five years' professional educational experience, and have been in active practice the immediately preceding three years and at the time of appointment.**

-Currently certified teacher and actively practicing in KS
-Just completed 5th year in education
-Have been actively practicing since 2019-2020 school year

Working and educational experience which might be pertinent to this appointment.

-Have taught at the elementary, middle, secondary level
-Several years in leadership experience as a head and assistant coach in various sports
-M.S. in Educational Administration

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KORI LOPEZ

EDUCATOR

EDUCATION

BACHELOR OF SCIENCE

Kansas State University

Political Science

EDUCATION CERTIFICATION

Louisiana State University

Elementary Education

MASTER OF SCIENCE

Walden University

Early Childhood Studies, in process

SUMMARY

Enthusiast educator, connecting with students to impact the learning process. Dedicated to learning and growing with children. Passionate about play-based learning to instill lifelong curiosity and wonder.

EXPERIENCE

CIMARRON ELEMENTARY SCHOOL

Kindergarten, First, and Second Grade Teacher

2011-Present

- Building a strong foundation in early childhood classrooms
- Planning and designing standard-based lessons for diverse groups of learners
- Mentoring new teachers/Lead teacher/Building Leadership Team
- KANAAE board member

SUBLETTE GRADE SCHOOL

Fourth, Fifth, and Sixth Grade Teacher

2006-2011

- Collaborate with colleagues
- Guide and motivate struggling students
- Create and adapt lesson plans according to student needs

J.H. MOORE ELEMENTARY, MARSHALL TX

Second and Third Grade Teacher

2001-2006

- Foster student interest using hands-on activities
- Participate in a mentoring program
- Engage in a Ruby Payne's Framework for Understanding Poverty workshop and simulation activities

Nominees for Professional Practices Commission

Teacher Licensure | KSDE | Landon State Office Building | 900 SW Jackson Street, Suite 106 | Topeka, Kansas 66612-1212 | Phone: 785-296-2288 | www.ksde

NOMINEE-COMPLETE THIS FORM AND ENCLOSE A COPY OF RESUME OR VITA

NAME OF BOARD/COMMISSION/COMMITTEE:

☒ Professional Practices Commission

Nominated by (organization, individual or State Board member) KANAAE, Garry Sigle Date 17 May, 2024

Nominee's Name Leona L. Engelcke Occupational Title Teacher

Place of employment USD422 Address 710 S. Main

City Greensburg State Kansas Zip 67054

Home address 406 E. Garfield Ave., Greensburg, KS

City Greensburg State Kansas Zip 67054

Home e-mail engelckeleona@gmail.com Work e-mail lengelcke@usd422.org

Work Phone 620.723.2164 Home Phone 620.290.0194

State Board District(s) (that you work in): District 7

Nominee represents school district or post Secondary institution size of:

☒ 0-400 ☐ 400-1200 ☐ 1200-2500 ☐ 2500-5000 ☐ 5000 and over

Please state briefly:

Qualifications for this appointment as set forth in the statute or policies developed by the Advisory Council. These qualifications include: **currently certified and actively practicing in Kansas, have at least five years' professional educational experience, and have been in active practice the immediately preceding three years and at the time of appointment.**

All qualifications stated above have been met.

Working and educational experience which might be pertinent to this appointment.

Please see attached Vita.

The Kansas State Department of Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies: KSDE General Counsel, Office of General Counsel, KSDE, Landon State Office Building, 900 SW Jackson, Suite 102, Topeka, KS 66612-1212, (785) 296-3201

May 17, 2024

Kansas State Department of Education
ATTN: Professional Practices Commission ~ Nominations Review Panel
Landon State Office Building
900 SW Jackson Street, Suite #106
Topeka, KS 66612-1212

RE: Nominee Request for Consideration

Panel;

It is my pleasure to submit my application and vita, as it relates to positions you may have available on your Professional Practices Commission. I believe that my unique set of background skills and experience will prove to be an asset to the Professional Practices Commission, and I am excited about the opportunity.

Education is a field requiring continuous learning and development, and professionalism from each of its members. The best educators have a dedicated understanding of ethics, skills in classroom management, and a collaborative approach toward solving problems large and small. Even so, there may be members whose actions fail to meet requirements in some fashion, and it is incumbent upon commission members to:

1. Understand the facts and relevant law for each case.
2. Collaboratively identify the gap, or breech in practice.
3. Define the risks of continued practice, according to statutes, guidelines, and prevailing law.
4. Identify and recommend remedies, according to statutes, guidelines, and prevailing law.

While my experience in Education commission activities is limited, I did sit on several committees during my healthcare career, where similar topics were discussed and collaboratively resolved. It would be my great pleasure to continue to support these important activities as a member of the KSDE Professional Practices Commission.

Please find attached my application form and complete curriculum vita. Should you have questions, please do not hesitate to reach out. I look forward to exploring this opportunity with you in greater detail.

Respectfully,

Ms. Leona Engelcke, MSE, MS, MHA

LEONA ENGELCKE, MSE, MS, MHA

Continuous Learning and Improvement | Program Engagement | Student and Staff Growth
EngelckeLeona@gmail.com / lengelcke@usd422.org c: 620.290.0194

Educator with demonstrated success in student engagement, classroom management, program development, cultural and community advocacy and project management. Proven coach, mentor, collaborator, and flexible facilitator.

SPECIALIZATION

- Continuous learner
- Strategic planning & continuous improvement
- Financial/budget management, analysis
- Networking, community partnerships
- Team building, engagement, and collaboration
- Regulatory, Quality program design, facilitation
- Change management trainer
- Collaboratively enhance building culture

EDUCATION EXPERIENCE

Kiowa County Public Schools (USD422), Greensburg, KS August 2023 – Present

Middle School, High School Science Teacher

- Earth, Physical, Life Science, and Biology (6^{th} – 9^{th} grade): Build and teach curriculums for all 4 grades.
- KESA Team member, DLT team member, and Assistant Coach, Girls Basketball.
- Mentoring and co-teaching for new teachers in the building.
- Volunteering year-round (all sporting, Forensics, and Scholars Bowl events).
- K-State LEAPES Summer STEM camp facilitator, 2024.

Cimarron Ensign Public Schools (USD102), Cimarron, KS July 2022 – June 2023

Middle School Science Teacher (part time), Junior and Senior High Principal

- Earth and Physical Science class facilitation, curriculum development.
- Conduct all building leadership duties as assigned, collaborating with district and building leadership.
- Collaboratively plan and facilitate staff events, trainings, and special events for students and staff.

Dodge City Public Schools (USD443), Dodge City, KS August 2016 – June 2022

Middle School Science Teacher, PLC Leader, After School STEM Program Coordinator

- Demonstrate excellence in classroom management and student success
- Network with peers, administrators, and the community to enhance education programs
- Facilitate planning for 2019, 2020 school STEAM Fair
- Coordinate CMS EXITO STEM program (grant-funded after school program), 2019-2022
- Mentor others in goal setting, data capture, and simplifying / integrating new, added tasks
- CMS KESA Team, PLC Leader, and grade level Team Leader
- ***Kansas Master Teacher of the Year Nomination, 2021***

KSDE Teaching Endorsements:

- Building Leadership (Initial, May 2024)
- Professional: Middle School Science, 2019-2024, 2024-2029
- ESOL, PreK-12, 2019-2029

Related Education Degrees:

- Master of Science, Education. Fort Hays State University, 2019 (4.0 GPA)
- Master of Science, Building Leadership Fort Hays State University, 2021 (4.0 GPA)

Education-related Accomplishments:

- STEM Program facilitation, assessment and improvement, 2019-2024.
- Volunteering: Athletics, Scholastics, and Community events.
- KESA goal setting, data collection, and reporting to KSDE in USD443, USD102, and USD422.
- Facilitate PLC budget management and data collection via online budgeting tools (USD443).
- Member, USD 443 District Professional Learning Steering Committee
- Mentoring volunteer, FHSU Transition to Teaching Program. Summer, 2021.
- Volunteer: Migrant Program Newcomer's night, August 2019, 2020, 2021.

HEALTHCARE and PRIVATE INDUSTRY EXPERIENCE

Kaiser Permanente, Portland, OR March 2014 – July 2016

Assistant Department Administrator, Ophthalmology

- Manage two Ophthalmology clinics, supervising 26 employees (Clackamas and Salem, Oregon)
- Lead regional performance improvement programs, moving 4 clinics to Level 5; "High Performing" teams
- Secure 2nd place, Passport to Excellence Performance Improvement competition; 2014, 2015
- Manage 2016 planning and go-live, patient education video service for two specialty departments
- Partner with Surgery Schedulers to design a backlog reduction plan with sustained wait time reduction
- Facilitate "first man up" staffing model with sustained "Informed of Delays" scores >6 months
- Provide project management leadership - Business Readiness Eye Care PACS MERGE planning and deployment region-wide (July 2016)
- Design and submit for leader review a $735K cost-reduction proposal and related strategies

Salem, Oregon Ophthalmology Unit Team Recognition & Award, 2015

Community Health Plan of Washington, Seattle, WA July 2013 – March 2014

Operations Management & Project Consulting

- Design and implement the Plan's care coordination enhancements (care management internal plan and external care delivery components) impacting 1700 clinicians, 150 clinics and affiliated hospitals and 400K members. Establish resource cost, service utilization, patient engagement and health outcomes measures, targets and reporting. Program founded on principles of Medical Home and IHI Triple Aim.

- Organizational planning and training, LEAN and process improvement/change management skills. Develop organizational tools, structures and visual, linked checking systems across the organization.
- Develop, implement and PDCA business intelligence reporting for 20 community health clinic agencies across Washington State.

GROUP HEALTH COOPERATIVE, Seattle, WA January 2004 – May 2013

Manager, Strategy Deployment - Strategic Planning & Services Director, 2011 - 2013

Service line analysis and facilitation of process change/improvement efforts to reduce external care delivery cost and improve patient access and satisfaction.

- Prepare financial proposals representing 500K/year in external delivery system cost reduction
- Manage project life cycles and budgets. Direct multiple cross-functional service enhancements including change management, labor negotiations, service access improvement (Specialty, Primary Care and Ancillaries), internal and external communications and marketing
- Direct and launch Tacoma Urgent Care/Observation services expansion, realizing Q1 external delivery system cost reduction and ED visit/short stay volume reduction targets (20% each)
- Develop visual systems to track strategic success in cost, satisfaction and impact on care demand
- Facilitate cross-functional team development of standard work process flows using LEAN
- Co-direct and achieve subdivision's targeted 2012 cost reductions ($11M)
- Direct service reconfiguration and consolidation, Primary, Urgent Care/Observation and Ancillary/administrative services in Snohomish County, saving $680K/yr. in external care delivery costs
- Develop/implement provider and nurse staff modeling tools used to monitor productivity and cost
- Officially mentor project management staff in affordability projects and initiatives
- Develop/launch affordability metrics tracking system for six (6) service lines at six geographic locations tracking cost, quality, people and growth performance to target

Senior Project Manager, Acute, Post-acute and Ancillary Services 2008 - 2011

Analytically defined multiple service expansions and improvements. Directed cross-functional LEAN workshops to reduce wait time, remove waste and reduce cost.

- Direct two (2) Urgent Care/Observation service expansions including Seattle, a 16-hour/day unit to 24/7/365 (June 2009) and Tacoma, an 8-hour/day unit to 24/7/365 (scheduled go-live 10/2012). Included expansion of all ancillaries and administrative support services.
- Maintain reporting tools and communication following closure of Eastside Hospital and relocation of several service units (2008)
- Develop and maintain subdivision's tiered metrics reporting system in cost, quality, growth
- Analytically defined the opportunity and directed the 24/7 expansion of 16 hour/day Seattle Urgent Care + 23:59 Observation unit, reducing external care costs by $210K/year (2009)
- Improve the annual capital replacement plan, saving $25K/year in Emergency Services
- LEAN-based consulting for multiple clinical service areas.

2010 "Team Award": Tacoma 24/7 Urgent Care expansion team award conferred by Medical Center leaders
2009 "Celebrating Excellence": Employee performance award conferred by CEO Scott Armstrong

Project Manager, Emergency Services/Hospital 2004-2008

Mid-scale service projects including physical plant, service flows, cost containment, and quality of care.

- Facilitate large Primary Care practice relocation to new clinic, within timeline and budget.
- Develop and manage related project and communications plans, including process flow redesign.
- Partner with Labor Relations, Administration and Stakeholders to ensure plan engagement, support.

- Develop budget and plan, propose, and then manage two Urgent Care service expansions (Olympia, Tacoma). Resulted in 325K/year in reduced operating costs.
- Facilitate hospital compliance committee and liaisons with risk management and legal departments.
- Design initial capital request process for newly established service lines including emergency services.
- Lead expansion of King County dermatology clinics and services, including bricks/mortar planning.

UNIVERSITY OF WASHINGTON NEIGHBORHOOD CLINICS, Seattle, WA 10/2002 - 11/2003

Project and Operations Manager for 8-clinic primary care arm of UW Medicine

- Designed and led UWPN HIPAA Privacy training for all organizational staff and at eight (8) clinics.
- Developed and conducted Quality Assessment and Improvement program exceeding quarterly targets.
- Conducted routine and project-specific vendor review subject to company and regulatory protocols.
- Facilitated marketing and communications plan for eight (8) primary care clinics
- Project supported clinic lease negotiations for two clinics in Belltown and Federal Way.
- Represented Neighborhood Clinics COO at executive level business and operations functions.

2003 "Quality, Excellence and Dedication" conferred by CEO to leader of UWPN Quality Improvement team

EMI PRECISION, Arlington, WA 2/2002 - 9/2002

Vice President, Operations and Finance

Co-directed all preparations for the sale of the family business. Improved business plan, directed IT systems upgrade. Created utilization reporting for manufacturing units. Supervised three (3) staff.

UW BOTHELL / VIRGINIA MASON, Lynnwood, WA 2000-2001

Short-term paid and unpaid positions while attending UW Bothell full time (20-24 credits/quarter).

VIRGINIA MASON MEDICAL CENTER, Seattle, WA 1999-2000

Medical Staff Coordinator

Conducted credentialing and recredentialing for 1700 hospital-based and network providers. Medical Staff Liaison for Virginia Mason's Risk Management, Quality and Compliance offices. Provided project management support for Radiology and Dermatology compliance projects. Supervised two (2) clerks.

Related Business Education Degrees

- Master of Healthcare Administration. University of WA, Seattle. 2005 (3.8 GPA)
- Bachelor of Arts, Business/Finance. University of WA, Bothell. 2003 (3.83 GPA)

TECHNICAL SKILLS

- Google Apps (Classroom, Sheets, Docs, Slides, Forms)
- Microsoft Word, PowerPoint, Outlook, Excel, Access, Visio, MS Project
- Canva, PowToon, Lucid Chart, Vimeo, ScreenCast-O-Matic, others
- SharePoint, Essbase, Hyperion, Kronos
- ASQ LEAN Six Sigma Black Belt Processes, PDCA, Total Quality Management

MEMBERSHIP | VOLUNTEERING

American College of Healthcare Executives | Urgent Care Association of America
Beta Gamma Sigma | City of Bothell | UW Bothell | President/Treasurer, HOA Association (2011-2014)

Nominee's Full Name: ↑	KSBE district:	The school district in which you work:	Who do you represent:	Admin Level:	Level you Teach:	Nominee represents school district size of:
Angie Powers	District 2,District 3,District 4	233 Olathe	Teacher	N/A	High School	5001 and over

Please state briefly, your qualifications for this appointment:

I am currently certified and actively practicing in Kansas have 24 years of experience in Kansas as an educator.

Working and educational experience:

I have had opportunities to work nationally, at the state level, and locally in responding to situations that may impact licensure with my roles in NEA, KNEA, and my local.

Angie Powers

Education

August 2006-May 2008 — Emporia State University — Emporia, KS
Master's in Instructional Technology
- Visual Literacy & Web 2.0 focus

August 2003-May 2006 — Emporia State University — Emporia, KS
Master's in Curriculum & Instruction
- Effective Practitioner focus

August 1996-May 2000 — Emporia State University — Emporia, KS
Bachelor's in English Education
- ESL/ELL Endorsement

Current License

March 2018- March 2028
Accomplished English/Language Arts & English as a Second Language 7-12 License
National Board Certified Teacher

Experience

August 2003-present — Olathe District Schools — Olathe, KS
Teacher & Online Instructor
- Taught AP Lang & Comp, English II, & PreAP English II at Olathe Northwest High School
- Taught eEnglish I, eCreative Writing, and Advanced eCreative Writing at eAcademy
- Served on Building Leadership, Technology Leadership, Safe & Civil & AP Vertical teams
- Represented building on Staff Development Council
- Facilitated English/Language Arts Professional Learning Communities
- Sponsored NHS, GSA, The Aviary Literary Magazine & ONW Writing Center

June 2013-July 2013 — University of Kansas — Lawrence, KS
Item Writer for Dynamic Learning Maps
- Created assessment items for students with significant cognitive disabilities

July 2011-May 2012 — Olathe District Schools — Olathe, KS
Secondary English/Language Arts Facilitator
- Facilitated monthly Language Arts Study Groups & organized curriculum revision process
- Planned & implemented district professional development for 6-12 E/LA teachers

July 2006-May 2012 — Olathe District Schools — Olathe, KS
Instructional Resource Teacher
- Observed & provided feedback to new-to-district teachers, as part of Olathe's induction program
- Delivered school improvement support to one high school & two alternative education programs
- Supported use of instructional technology to aforementioned buildings/programs
- Instructed Advanced Teaching & Learning sessions for teachers pursuing Master's degree

August 2000-May 2003 — Ottawa High School — Ottawa, KS
Teacher
- Taught English 9, College Prep English 9, Creative Writing & Advanced Creative Writing
- Served on building QPA Leadership Team
  - Chaired Vocabulary Committee
- Founded Writers' Café Literary Magazine
- Sponsored Junior Class

Professional Associations

- National Council of Teachers of English
  - Review articles for *English Journal*
  - Presented at four NCTE Conventions
- Association for Supervision & Curriculum Development
- Delta Kappa Gamma (International Society for Women Educators)
  - Inducted in Beta Omega Chapter in 2017
  - Served on membership committee
- Kansas Exemplary Educators Network
- Kansas Education Association
  - Co-Chair Social Justice Committee
  - KNEA Board Member
- Olathe NEA Executive Board
  - Vice-President
- National Education Association
  - NEA Director
  - Member of Equity Leaders Network
  - Trained in Leaders for Just Schools
- Kansas Association of Teachers of English

Leadership

Sept 2019-present
National Education Association Director
- Elected to NEA Board of Directors from five candidates in statewide vote

June 2020-present
NEA Leaders for Just Schools Cohort Facilitator
Selected to lead a nationwide cohort of educators creating safe and just schools

June 2017-present
Human Rights Campaign Welcoming Schools Facilitator
- Selected as one of 25 participants out of 200 applicants across the country

June 2016-present
Greater Kansas City Writing Project Fellow
- Provided professional development in the area of writing to other teachers across the metro area

August 2016-present
GLSEN/NEA GSA Advisor Summit
- Selected as one of the 30 advisors across the country to attend GSA Advisor Summit

August 2012-present
Olathe NEA Executive Board High School Rep. & Communications Director
- Coordinate digital communications, represent teachers & co-founded Olathe NEA Ally Program

October 2000-present
Professional Development Presenter
- Facilitated professional development with multiple audiences in various locations: Ottawa High School, Olathe Public Schools (high school & district level), National Council of Teachers of English, Mid-America Nazarene's Games & Learning Conference, Johnson County Community College's Cavalier Conference, Greater Kansas City Writing Project, etc.

August 2007-May 2016
Olathe Northwest Building Leadership Team Chair / Instructional Resource Teacher
- Coordinated school improvement for a *U.S. New & World Report* top-ranked Kansas school
- Mentored new-to-district teachers and struggling educators (2007-2012)

Honors & Awards

- Ottawa High School Teacher of the Month (October 2002)
- Rotary Award for Excellence in Education (2000)
- Olathe Northwest Master Teacher Nominee (2008)
- Olathe Public Schools Foundation Educator Excellence Award (2006)
- Olathe Public Schools Foundation Grant Recipient (2007 and 2017)
- The Most Influential Teacher Award for U.S. Presidential Scholar Cassie Wang (2013)
- Kansas Teacher of the Year Region 3 Finalist (2018)
- Olathe Human Relations Commission Humanitarian Award (2019)
- Kansas NEA Jack Williamson Service Award & Human Rights Award (2020)

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number:

Staff Initiating:	Director:	Commissioner:	Meeting Date:	1/1/0001
Shane Carter	Shane Carter	Randy Watson		

Item Title:

Act on Literacy Requirements for Teacher Licensure

Recommended Motion:

It is moved that the Kansas State Board of Education require Elementary English Language Arts teachers, Elementary History, Government and Social Studies teachers, Special Education teachers who provide services to elementary students, Reading Specialists who provide services to elementary students, School Psychologists who provide services to elementary students, and Administrators assigned to elementary schools if actively employed to demonstrate knowledge of the science of reading by either completing a literacy training approved by the State Board of Education or by passing a State Board of Education approved assessment to be eligible to renew a professional license beginning July 1, 2028.

Explanation of Situation Requiring Action:

Explanation of Situation Requiring Action:

Licensure Regulation 91-1-205 establishes licensure renewal requirements. The regulation will require an update to implement the recommendation above.

A State Board of Education structured literacy training list will be maintained KSDE's literacy team. The literacy team may vet and recommend to the State Board of Education additional trainings to add to the approved structured literacy training list. The recommended initial training list will include the following trainings:

1. LETRS.
2. Pathways to Proficient Reading.
3. Keys to Literacy.

The Professional Standards Board will review and recommend an exam to measure the science of reading and structured literacy for veteran educators who choose to demonstrate knowledge by passing an exam in lieu of completing an approved training. The recommended exam will be provided to the State Board of Education at a future meeting.

Agenda Number: **15**

Meeting Date: **6/11/2024**

KANSAS STATE DEPARTMENT OF EDUCATION

900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
(785) 296-3201
www.ksde.org

Item Title: Board Attorney overview of USD 115 Petition for Land Transfer (Executive Session)

From: Deborah Bremer

Mark Ferguson, Board Attorney, will meet with the board in executive session, to share his legal expertise on the Land Transfer Petition.

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 1

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:** 6/12/2024
Deborah Bremer		Randy Watson	

Item Title:

Act on USD 115 Land Transfer Petition

Recommended Motion:

It is moved that the Kansas State Board of Education

Explanation of Situation Requiring Action:

Scott Gordon, KSDE General Counsel, will give a recap on the land transfer and the board will then discuss and take action.

Agenda Number: 2

Meeting Date: **6/12/2024**

KANSAS STATE DEPARTMENT OF EDUCATION

900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
(785) 296-3201
www.ksde.org

Item Title: Receive proposed amendment to accreditation regulation 91-31-35 (minimum high school graduation requirements)

From: Scott Gordon

During its May meeting, the Kansas State Board of Education adopted amendments to K.A.R. 91-31-35, Minimum High School Graduation Requirements. One of the new graduation requirements will be to require all non-exempted students to complete a Free Application for Federal Student Aid (FAFSA). During its discussion of the regulation, some members of the State Board requested an amendment be brought forth to remove that requirement as soon as possible. KSDE offers a proposed amendment to the regulation that would remove FAFSA from the graduation requirements.

91-31-35. Graduation requirements. (a) Each governing body shall adopt a written policy specifying that pupils are eligible for graduation only after completion of at least the following graduation requirements as established by the state board:

(1) Four units of English language arts, which shall include reading, writing, literature, grammar and at least one-half unit of communication. The chief administrative officer may waive up to one unit of this requirement if the chief administrative officer determines that a pupil will benefit more by taking another subject;

(2) three units of history and government, which shall include world history; United States history; United States government, including the Constitution of the United States; concepts of economics and geography; and, except as otherwise provided in K.A.R. 91-31-35 (e), a course of instruction in Kansas history and government;

(3) three units of science, which shall include physical, biological, and earth and space science concepts and which shall include at least one unit as a laboratory course;

(4) three units of mathematics, including algebraic and geometric concepts;

(5) one-half unit of physical education. This requirement shall be waived if the school district is provided with a statement by a licensed physician that a pupil is mentally or physically incapable of participating in a regular or modified physical education program;

(6) one-half unit of health education which may include safety, first aid, or physiology. This requirement shall be waived if the school district is provided with a statement, signed by a lawful custodian of the pupil, indicating that the requirement is contrary to the religious teachings of the pupil;

(7) one-half unit of financial literacy;

(8) one unit of fine arts, which may include art, music, dance, theatre, forensics, and other similar studies selected by the governing body;

(9) one unit of advanced science, technology, engineering, advanced math or other similar studies selected by the governing body;

(10) four and one-half units of elective courses;

(11) two or more accomplishments approved by the State Board that demonstrate the pupil will be a successful Kansas high school graduate;

~~(12) One of the following filings, unless exempted by the chief administrative officer;~~

~~(A) A free application for federal student aid with the United States department of education, or;~~

~~(B) On a form created by the state board, file a waiver with the governing body indicating that a parent or guardian or, if the pupil is at least 18 years of age or legally emancipated, the pupil understands what the free application for federal student aid is and has chosen not to file an application.~~

(b) At least 21 units of credit shall be required for graduation.

(c) A unit may only satisfy one graduation requirement at a time.

(d) Any governing body may increase the number of units of credit required for graduation. Any additional requirements of the governing body that increase the number of units of credit required for graduation shall apply to those students who will enter the ninth grade in the school year following the effective date of the additional requirement.

(e) The governing body shall waive the requirement for a course of instruction in Kansas history and government required in K.A.R. 91-31-35(a)(2) for any student who transfers into the district at a grade level above that in which the course is taught.

(f) Unless more stringent requirements are specified by existing local policy, the graduation requirements specified in this regulation shall apply to those students who enter the ninth grade in the school year following the effective date of this regulation and to each subsequent class of students. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution, K.S.A. 72-3235, and K.S.A. 2023 Supp. 72-5170; effective July 1, 2005; amended October 8, 2021; P-_____.)

Agenda Number: **WED 3**

Meeting Date: **6/12/2024**

KANSAS STATE DEPARTMENT OF EDUCATION
900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
(785) 296-3201
www.ksde.org

Item Title: 2024 Kansas Teacher of the Year Presentation

From: Denise Kahler

At its June meeting, the Kansas State Board of Education will have the opportunity to hear from the eight members of the 2024 Kansas Teacher of the Year Team.

2024 Kansas Teachers of the Year

• Taylor Bussinger, an eighth-grade social studies teacher at Prairie Trail Middle School, Olathe USD 233.

2024 Kansas Regional Teachers of the Year

Cherryl Delacruz, high school mathematics teacher at Topeka Center for Advanced Learning & Careers, Topeka USD 501.

Gretchen Elliott, high school art teacher at Smoky Valley High School, Smoky Valley USD 400.

Joanna Farmer, high school agricultural teacher at Southeast High School, Wichita USD 259.

Melissa Haney, Kindergarten through second-grade teacher at Explorer Elementary School, Goddard USD 265.

Erin Pittenger, Kindergarten through fourth-grade art teacher at St. George Elementary School, Rock Creek USD 323.

Michelle Tapko, sixth-grade social studies teacher at Roseland Elementary School, Shawnee Mission USD 512.

Fonda Telthorst, second-grade music teacher at Piper Prairie Elementary School, Piper USD 203.

These exemplary teachers will briefly introduce themselves and then share with Board members a recap of their year. They will be available to respond to questions from Board members following their presentation.

Agenda Number:

Meeting Date: 1/1/0001

KANSAS STATE DEPARTMENT OF EDUCATION

900 S.W. Jackson Street, Suite 102
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(785) 296-3201
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Item Title: KESA 2.0 Presentation

From: Ben Proctor

The State Board will receive the Kansas Education Systems Accreditation (KESA) proposal.

Agenda Number: 5

Meeting Date: 6/12/2024

KANSAS STATE DEPARTMENT OF EDUCATION
900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
(785) 296-3201
www.ksde.org

Item Title: Special Education Advisory Council Quarterly Report to the State Board

From: Bert Moore

The Special Education Advisory Council is a required Council under the Code of Federal Regulations 300.167. SEAC consists of 21 members and 7 non-voting Ex-Officio members which includes: the State Board of Education, the Disabilities Rights Center, Families Together, the Kansas Association of Special Education Administrators, the Kansas National Education Association, the Kansas State School for the Blind/Visually Impaired, and the Kansas State School for the Deaf/Hard of Hearing. SEAC must have at least 51% of the members as persons with disabilities or have a child with a disability. Kansas also has representation for the parent of a student with an exceptionality (Gifted). Members are selected by the Leadership Committee consisting of the Chair, Chair-Elect, and Past-Chair. The Membership Committee also considers the Kansas State Board of Education regions when making membership selections.

Agenda Number: 6

Meeting Date: 6/12/2024

KANSAS STATE DEPARTMENT OF EDUCATION
900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
(785) 296-3201
www.ksde.org

Item Title: Career and Technical Education in Kansas

From: Natalie Clark

Career and Technical Education (CTE) in Kansas includes 16 Career Clusters spanning across 36 Pathways. Career Clusters link what students learn in school to the knowledge and skills they need for success in postsecondary education and careers. Career Pathways offer a sequence of courses that provide students with rigorous academic content, relevant technical knowledge, and employability skills. CTE courses include competency-based, work-based, and authentic applied learning experiences.

A summary of how Kansas CTE has evolved, as well as how Kansas uses the National Career Cluster Framework will be presented.

Agenda Number: **7 a.**

Meeting Date: **6/12/2024**

KANSAS STATE DEPARTMENT OF EDUCATION

900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
(785) 296-3201
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Item Title: Monthly personnel reports

From: Marisa Seele

Please see attached.

Agenda Number: 17 a.

Meeting Date: 6/11/2024

KANSAS STATE DEPARTMENT OF EDUCATION

900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
(785) 296-3201
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Item Title: Personnel Report

From: Kaley Taylor, Wendy Fritz

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Total New Hires	2	3	3	3	0	4	6	1	1	4	6	
Unclassified	2	3	3	3	0	4	6	1	1	4	6	
Unclassified Regular (leadership)	0	0	0	0	0	0	0	0	0	0	0	
Total Separations	2	4	4	3	4	2	2	0	4	2	7	
Classified	0	0	0	0	0	0	0	0	1	0	0	
Unclassified	2	4	4	2	4	2	2	0	3	2	7	
Unclassified Regular (leadership)	0	0	0	1	0	0	0	0	0	0	0	
Recruiting (data on 1st day of month)	4	5	3	3	9	3	6	3	3	5	10	
Unclassified	4	5	3	3	7	3	6	3	3	5	10	
Unclassified Regular (leadership)	0	0	0	0	2	0	0	0	0	0	0	

Total employees 274 as of pay period ending 5/11/2024. Count does not include Board members. It also excludes classified temporaries and agency reallocations, promotions, demotions and transfers. Includes employees terminating to go to a different state agency (which are not included in annual turnover rate calculations).

Agenda Number: **20 b.**

Meeting Date: **06/11/2024**

KANSAS STATE DEPARTMENT OF EDUCATION

900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
(785) 296-3201
www.ksde.org

Item Title: Report on personnel filling unclassified positions.

From: Kaley Taylor, Wendy Fritz

The following personnel appointments are presented this month:

Kaley Taylor to the position of Admin Assistant on the Human Resources team, effective May 6, 2024, at an annual salary of $45,760. This position is funded by the State General fund.

Christopher Fletcher to the position of Information Systems Manager on the Information Technology team, effective May 13, 2024, at an annual salary of $86,340.80. This position is funded by the State General and Indirect Costs Fund.

Brittney Lewis to the position of Communications Specialist on the Communications and Recognition Programs Graphic Arts team, effective May 15, 2024, at an annual salary of $50,003.20. This position is funded by the State General and Food Service SAE fund.

Brooke Wells to the position of Education Research Analyst on the Career, Standards, & Assessment Services team, effective May 20, 2024, at an annual salary of $80,686.32. This position is funded by the State General, Indirect Cost Reimbursements, Federal Assessment Grant, and IDEA admin fund.

Abi Boxberger to the position of Program Consultant on the Child Nutrition and Wellness team, effective May 20, 2024, at an annual salary of $55,036.80. This position is funded by the Federal Food Service Admin, SFSP Admin, and the CACFP Audit Fund.

Jenn Halbhuber to the position of part-time SETS Intern on the Special Education, & Title Services team, effective May 22, 2024 and continuing through Summer 2024, at $18 an hour. This position is funded by the IDEA admin fund.

Agenda Number: **20 b.**

Meeting Date: **06/11/2024**

KANSAS STATE DEPARTMENT OF EDUCATION

900 S.W. Jackson Street, Suite 102
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REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 b.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Sherry Root		Randy Watson		

Item Title:

Notification to the Kansas State Board of Education that the Classical School of Wichita meets the requirements to participate in the Tax Credit for Low Income Student Scholarship Program (TCLISSP).

Recommended Motion:

Consent Receive item. Dale Brungardt, School Finance Director, submits this item.

Explanation of Situation Requiring Action:

One private school listed below meets the requirements and this is to notify the Kansas State Board of Education of their intention to participate in the Tax Credit Low Income Student Scholarship Program (TCLISSP).

Classical School of Wichita

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number:

Staff Initiating:	**Deputy Commissioner:**	**Commissioner:**	**Meeting Date: 6/12/2024**
Frank Harwood	Frank Harwood	Randy Watson	

Item Title:

Act on request from USD 105 Rawlins County, Rawlins County, to hold a bond election

Recommended Motion:

It is moved that the Kansas State Board of Education issue an Order authorizing USD 105 Rawlins County, Rawlins County, to hold an election on the question of issuing bonds in excess of the district's general bond debt limitation.

Explanation of Situation Requiring Action:

Under KSA 72-5461 et seq., a school district may request that the State Board of Education authorize the district to hold an election on the question of issuing bonds in an amount which would cause the district's bonded indebtedness to exceed the district's general bond debt limitation. USD 105 Rawlins County, Rawlins County, has made such a request. If approved, the district could hold an election on the question of whether additional bonds be issued. If the voters approve such action, the district could issue the bonds.

> USD 105 plans to use the bond proceeds (not to exceed **$29,900,000**), to pay the costs to construct, equip and furnish additions to the existing schools to create a K-12 building; (b) renovations and upgrades to existing Gym; (c) renovations and upgrades to VoAg building; (d) improvements to District facilities, including security upgrades and improvements to the exterior of buildings; (e) site improvements and parking improvements; and all other necessary improvements thereto.

Based upon the following criteria, staff recommends that this bond application be approved.

1. The vote to submit the bond application by the local board of education was 6-0.
2. The district is not experiencing a growth in enrollment (flat).
3. The community was involved in the process of the building proposal.
4. All required forms were properly filed with us, along with an appropriate notice for the election.
5. The district outlined the needs for the building project by responding to all questions required by the state board of education.
6. An outside consultant was utilized in determining the school district needs.
7. The age of the existing building(s) appears to justify a bond election.
8. The application indicates that the building(s) are in need of major repairs in order to provide the necessary student programs.
9. Buildings are being consolidated under this proposal.
10. Bond project does not include facilities to be used primarily for extracurricular activities.

Summary of Appeal to State Board of Education to Allow Local Vote on Exceeding Debt Limit

Unified School District 105 Rawlins County-Atwood **County: Rawlins**

1. Current equalized assessed tangible valuation *	$56,290,741	
2. Percentage of bond debt limit	14%	
3. Amount of bond debt limit	$7,880,704	
4. State Aid Percentage	0%	23-24 St Aid %

* Includes assessed valuation of motor vehicle

		Percent of Equalized Assessed Valuation - Current Year
5. Amount of bond indebtedness at present time	$0	0.0%
6. Amount of bond indebtedness requested	$29,900,000	53.1%
7. Total amount of bond indebtedness if request approved (Lines 5 + 6)	$29,900,000	53.1%
8. Estimated amount of bond indebtedness authorized without approval	$7,880,704	14.0%
9. Amount of bond indebtedness above bond debt limit requested	$22,019,296	39.1%

Forms Requested

(X) 5-210-118 General Information
(X) 5-210-106 Resolution
(X) 5-210-108 Publication Notice
(X) 5-210-110 Application
(X) 5-210-114 Equalized Assessed Valuation
(X) Schematic floor plan of the proposed facilities
(X) Map of the school district showing present facilities
(X) Small map of the school district showing the adjoining school districts
(X) Map of the school district showing proposed facilities

May 21 2024
Date

Dale Brungardt
Director, School Finance

May 21 2024
Date

Frank Harwood
Deputy Commissioner

BEFORE THE KANSAS STATE BOARD OF EDUCATION

IN THE MATTER OF THE APPLICATION OF	)	
UNIFIED SCHOOL DISTRICT NO. 105,	)	
RAWLINS COUNTY, RAWLINS COUNTY	)	DOCKET NO. 156
STATE OF KANSAS	)	

ORDER GRANTING APPLICATION

Now, on this 12th day of June, 2024, the application of Unified School District No. 105, Rawlins County, Rawlins County, K.S.A. 72-547, and to call an election for voting additional bonds as pursuant to the provisions in K.S.A. 72-5458 et seq., comes on for consideration by the Kansas State Board of Education, based upon the receipt of an application filed in this matter.

Whereupon, the Kansas State Board of Education, after reviewing the documents filed in this matter, and being otherwise advised in the premises, finds as follows:

1. The application has been properly filed by the Board of Education of Unified School District No. 105, Rawlins County, Rawlins County, State of Kansas, which filed said application upon its own motion.

2. Notice of intention to file the application was properly given to the electors by publication in a newspaper of general circulation in the school district.

3. The application is for permission to call and hold an election on the issuance of bonds in the amount of $29,900,000, which if issued, would cause the school district's bond indebtedness above the bond debt limit to be $22,019,296.

4. The application of Unified School District No. 105, Rawlins County, Rawlins County, State of Kansas, should be granted.

IT IS, THEREFORE, ORDERED BY THE KANSAS STATE BOARD OF EDUCATION that the Board of Education of Unified School District No. 105, Rawlins County, Rawlins County, State of Kansas, may hold an election on the question of issuing bonds as stated in the application filed by said Board of Education.

This Order made and entered this 12th day of June, 2024, at Topeka, Kansas.

KANSAS STATE BOARD OF EDUCATION

By: _____
Melanie Haas, Chairperson

ATTESTED BY:

_____
Deborah Bremer, Secretary to the
Kansas State Board of Education

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number:	7 c.

Staff Initiating:	Director:	Commissioner:	Meeting Date:	6/12/2024
Sherry Root		Randy Watson		

Item Title:

Act on request from USD 105 Rawlins County, Rawlins County, to hold a bond election

Recommended Motion:

It is moved that the Kansas State Board of Education issue an Order authorizing USD 105 Rawlins County, Rawlins County, to hold an election on the question of issuing bonds in excess of the district's general bond debt limitation.

Explanation of Situation Requiring Action:

See attached documents.

Summary of Appeal to State Board of Education for Capital Improvement State Aid

Unified School District 105 Rawlins County-Atwood **County: Rawlins**

1. Current equalized assessed tangible valuation *	$56,290,741	
2. Percentage of bond debt limit	14.00%	
3. Amount of bond debt limit	$7,880,704	
4. State Aid Percentage	0%	23-24 St Aid %

* Includes assessed valuation of motor vehicle

		Percent of Equalized Assessed Valuation - Current Year
5. Amount of bond indebtedness at present time	$0	0.0%
6. Amount of bond indebtedness requested	$29,900,000	53.1%
7. Total amount of bond indebtedness if request approved (Lines 5 + 6)	$29,900,000	53.1%
8. Estimated amount of bond indebtedness authorized without approval	$7,880,704	14.0%
9. Amount of bond indebtedness above bond debt limit requested	$22,019,296	39.1%

Forms Requested

(X) 5-210-118 General Information
(X) 5-210-106 Resolution
(X) 5-210-108 Publication Notice
(X) 5-210-110 Application
(X) 5-210-114 Equalized Assessed Valuation
(X) Schematic floor plan of the proposed facilities
(X) Map of the school district showing present facilities
(X) Small map of the school district showing the adjoining school districts
(X) Map of the school district showing proposed facilities

May 21 2024
Date

Dale Brungardt
Director, School Finance

Dr. Frank Harwood
Deputy Commissioner

BEFORE THE KANSAS STATE BOARD OF EDUCATION

IN THE MATTER OF THE APPLICATION OF	)	
UNIFIED SCHOOL DISTRICT NO. 105,	)	
RAWLINS COUNTY, RAWLINS COUNTY	)	DOCKET NO. 156(c)
STATE OF KANSAS	)	

ORDER GRANTING APPLICATION FOR CAPITAL IMPROVEMENT (BOND & INTEREST) STATE AID

Now, on this 12th day of June, 2024, the application of Unified School District No. 105, Rawlins County, Rawlins County, for capital improvement (bond and interest) state aid as provided in K.S.A. 72-5461 comes on for consideration by the Kansas State Board of Education, based upon the receipt of an application filed in this matter.

Whereupon, the Kansas State Board of Education, after reviewing the documents filed in this matter, and being otherwise advised in the premises, finds as follows:

1. The application has been properly filed by the Board of Education of Unified School District No. 105, Rawlins County, Rawlins County, State of Kansas, which filed said application upon its own motion.

2. The application is to request capital improvement (bond and interest) state aid on the issuance of bonds in the amount of $29,900,000, which if approved, would qualify for capital improvement (bond and interest) state aid to be prorated at 100 percent.

3. The application of Unified School District No. 105, Rawlins County, Rawlins County, State of Kansas, should be granted.

IT IS, THEREFORE, ORDERED BY THE KANSAS STATE BOARD OF EDUCATION that the Board of Education of Unified School District No. 105, Rawlins County, Rawlins County, State of Kansas, be and the same hereby is, granted **capital improvement (bond and interest) state aid** for the bonds as stated in the application filed by said Board of Education.

This Order made and entered this 12th day of June, at Topeka, Kansas.

KANSAS STATE BOARD OF EDUCATION

By: _____
Melanie Haas, Chairperson

ATTESTED BY:

_____
Deborah Bremer, Secretary to the
Kansas State Board of Education

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 7 d att

Staff Initiating:	**Deputy Commissioner:**	**Commissioner:**	**Meeting Date: 6/12/2024**
Frank Harwood	Frank Harwood	Randy Watson	

Item Title:

Act on request from USD 105 Rawlins County, Rawlins County, to receive Capital Improvement (Bond and Interest) State Aid

Recommended Motion:

It is moved that the Kansas State Board of Education issue an Order authorizing USD 105 Rawlins County, Rawlins County, to receive capital improvement (bond and interest) state aid as authorized by law.

Explanation of Situation Requiring Action:

Under KSA 72-5461 et seq., a school district may request that the State Board of Education authorize the district to receive capital improvement (bond and interest) state aid. USD 105 Rawlins County, Rawlins County, has made such a request. If approved, the district would receive capital improvement (bond and interest) state aid to be prorated at 100 percent as provided by law. If the request is not approved, the district will not receive any capital improvement state aid. The bond hearing for state aid was held March 14, 2024.

> USD 105 plans to use the bond proceeds (not to exceed **$4,600,000**), to pay the costs to construct, furnish, equip and acquire improvements, additions and renovations to the Elementary and Junior/Senior High School, including safety and security improvements, ADA playground improvements, locker room additions and renovations, a gymnasium addition, and ADA improvements; and construct, furnish, equip and acquire other necessary renovations and improvements to District facilities.

Based upon the following criteria, staff recommends that this bond application be approved.

1. The vote to submit the bond application by the local board of education was 7-0.
2. The district is not experiencing a growth in enrollment.
3. The community was involved in the process of the building proposal.
4. All required forms were properly filed with us, along with an appropriate notice for the election.
5. The district outlined the needs for the building project by responding to all questions required by the state board of education.
6. An outside consultant was utilized in determining the school district needs.
7. The age of the existing building(s) appears to justify a bond election.
8. The application indicates that the building(s) are in need of major repairs in order to provide the necessary student programs.
9. Buildings are not being consolidated under this proposal.
10. Bond project does not include facilities to be used primarily for extracurricular activities.

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number:	7 d.

Staff Initiating:	Director:	Commissioner:	Meeting Date:	6/12/2024
Sherry Root		Randy Watson		

Item Title:

Act on request from USD 105 Rawlins County, Rawlins County, to receive Capital Improvement (Bond and Interest) State Aid

Recommended Motion:

It is moved that the Kansas State Board of Education issue an Order authorizing USD 105 Rawlins County, Rawlins County, to receive capital improvement (bond and interest) state aid as authorized by law.

Explanation of Situation Requiring Action:

See attached documents

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 e.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Kerry Haag		Randy Watson		

Item Title:

Act on FY25 Grant Awards for IDEA VI-B Special Education Targeted Improvement Plan Grants

Recommended Motion:

It is moved that the Kansas State Board of Education approve the proposed IDEA Title VI-B Special Education Targeting Improvement Plan grants.

Explanation of Situation Requiring Action:

Funding per IDEA Section 34 CFR 400.704 (b)(4)(vii) is to support capacity building activities and enhance the delivery of services by LEA to improve results for children with disabilities. The continuance of 77 federal IDEA Title VI-8 Targeted Improvement Plan awards to local education agencies, cooperatives and/or interlocals will support procedural compliance with the IDEA law and improve achievement for students with disabilities, specifically the areas identified by the IDEA Part B State Performance Plan (SPP), the Kansas Integrated Accountability System (KIAS), and Kansas Education Systems Accreditation (KESA). The 2024-2025 school year is the eighteenth year the Targeted Improvement plan grants have been awarded. Participants use funds to implement systems of evidence-based practices and includes regular and special educators, administrators, related service providers, families, university faculty and students. Districts that earn a KIAS "meets requirement" level of determination for compliance with IDEA receive supplemental funds in the amount of $2,000 - $5,000.

To be eligible for funding, LEAs must submit an application which identifies the SPP Indicators to be targeted, a description of activities, a detailed budget, and annual fiscal report. Applications are reviewed and approved by Special Education and Title Services staff. Examples of allowable costs include, but are not limited to, extra-duty stipends for teachers, costs of professional development, assistive and instructional technology for students.

See the attached list for individual special education LEA allocations. Total amount of federal funds available for 2024-2025 are not to exceed $3,683,655.

2024-2025 Targeted Improvement Plan (TIP)

District Number	District/Agency Name
D0115	Nemaha Central (Marshall-Nemaha Co Ed Serv Coop)
D0202	Turner-Kansas City
D0207	Ft Leavenworth
D0229	Blue Valley
D0230	Spring Hill
D0231	Gardner Edgerton
D0232	De Soto
D0233	Olathe
D0234	Ft Scott
D0244	Burlington (Coffey Co Spec Educ Coop)
D0253	Emporia (Flint Hills Spec Educ Coop)
D0259	Wichita
D0260	Derby
D0261	Haysville
D0262	Ark Valley Special Education Coop
D0263	Mulvane
D0265	Goddard Special Education Coop
D0266	Maize Special Education Coop
D0273	Beloit (Beloit Spec Educ Coop)
D0282	West Elk (Chautauqua & Elk Co Spec Educ Srvcs)
D0290	Ottawa
D0305	Salina (Central Kansas Coop in Educ)
D0308	Hutchinson Public Schools
D0320	Wamego (Spec Srvcs Coop of Wamego)
D0321	Kaw Valley
D0330	Mission Valley
D0333	Concordia (Learning Coop of North Central Kansas)
D0336	Holton (Holton Spec Educ Coop)
D0345	Seaman
D0353	Wellington
D0364	Marysville (Marshall Co Spec Educ Coop)
D0368	Paola (East Central KS Spec Educ Coop)
D0372	Silver Lake
D0373	Newton (Harvey Co Spec Educ Coop)
D0379	Clay Center (Twin Lakes Educ Coop)
D0383	Manhattan-Ogden
D0389	Eureka
D0405	Lyons (Rice Co Spec Srvcs Coop)
D0409	Atchison Public Schools
D0418	McPherson (McPherson Co Spec Educ Coop)
D0428	Great Bend (Barton Co Coop Program of Spec Services)
D0437	Auburn Washburn
D0450	Shawnee Heights

Continued

District Number	District/Agency Name
D0453	Leavenworth
D0457	Garden City
D0458	Basehor-Linwood
D0465	Winfield (Cowley Co Spec Srvcs Coop)
D0469	Lansing
D0475	Geary County Schools
D0480	Liberal
D0489	Hays (Hays West Central KS Spec Educ Coop)
D0495	Ft Larned (Tri-Co Spec Srvcs Coop)
D0497	Lawrence
D0500	Kansas City (Wyandotte Comprehensive Spec Educ Coop)
D0501	Topeka Public Schools
D0512	Shawnee Mission Public Schools
D0602	Northwest KS Educational Serv Center
D0603	ANW Special Education Coop
D0605	South Central KS Spec Ed Coop
D0607	Tri County Spec Education Coop
D0608	Northeast KS Education Serv Center
D0610	Reno County Education Coop
D0611	High Plains Educational Coop
D0613	Southwest Kansas Area Coop
D0614	East Central KS Coop in Education
D0615	Brown County KS Special Education Coop
D0616	Doniphan Co Education Coop
D0617	Marion County Spec Education
D0619	Sumner Co Educational Services
D0620	Three Lakes Educational Coop
D0636	North Central Kansas Spec Ed Coop Interlocal
D0637	Southeast Kansas Special Education Interlocal
D0638	Butler Co Spec Education Interlocal
S0507	St Hospital Training Center Parsons
S0521	Dept of Corrections-Lawrence Gardner High School
S0604	School for the Blind
S0610	School for the Deaf

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 f.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Christine Macy	Bert Moore	Randy Watson		

Item Title:

Act to authorize the funding of a contract necessary for the provision of technical assistance for the 21st Century Community Learning Centers grant.

Recommended Motion:

It is moved that the Kansas State Board of Education authorize the Commissioner of Education to contract with a vendor, selected through the Department of Administration process, to provide a broad array of technical assistance opportunities for 21st CCLC grantees for the period of July 1, 2024 through June 30, 2029 in an amount not to exceed two million dollars ($2,000,000.00) to be paid out of Title IV 21st Century Statewide Activities fund.

Explanation of Situation Requiring Action:

The 21st Century Community Learning Centers Program was amended by Congress as Title IV, Part B of the Elementary and Secondary Education Act (ESEA), the No Child Left Behind Act of 2001 and reauthorized in Every Student Succeeds Act of 2015. The purpose of this program is to create community learning centers that provide academic enrichment opportunities for children, particularly students who attend high poverty and low-performing schools; to meet state and local standards in core academic subjects; to offer students a broad array of enrichment activities that can complement their regular academic programs; and to offer literacy and other educational services to the families of participating children.

Pursuant to Federal requirements governing the 21st Century Community Learning Centers (21st CCLC), the Kansas State Department of Education (KSDE) is required to provide technical assistance to all state grantees administering 21st CCLC programs.

The vendor will assist in technical assistance for current and future Kansas 21st CCLC grantees including site visits, technical support, grant competitions, grantee evaluations, state conferences, director meetings, et al.

In February, the State Board approved a contract not to exceed $1.5 million; but based on initial bid responses this amount is not adequate to support the required technical assistance services for approximately 100 21st CCLC grant programs over the five-year period of the contract. It is therefore, requested to increase the amount not to exceed to the new amount of two million dollars ($2,000,000.00) over the five-year period.

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 g.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Christine Macy	Bert Moore	Randy Watson		

Item Title:

Act to approve recommendations for Funding New Kansas 21st Century Community Learning Centers for 2024-2025

Recommended Motion:

It is moved that the Kansas State Board of Education approve recommendations for funding New Kansas 21st Century Community Learning Centers Grants for 2024-2025.

Explanation of Situation Requiring Action:

The 21st Century Community Learning Centers (21st CCLC) Program began in 1998 as a federal grant program. Competitive grants were awarded directly to local education agencies to create community learning centers, designed to expand learning opportunities for children and community members. When 21st CCLC was reauthorized as Title IV, Part B of the Elementary and Secondary Education Act of 2001, the administration for the grant program was shifted to the states. The grants are awarded on a competitive basis for a period of five years with a minimum award of $50,000 per year and a maximum award of $150,000 per year. A supplemental transportation allowance of up to $25,000 may be awarded to qualifying applicants providing programming in a rural community.

A Grant Review Committee evaluated the new applications based on the use of a scoring rubric. The grant applications were then rank-ordered according to scores. The 2024-2025 new grant applicants included in the attached list are recommended for funding for a total amount not to exceed $2,000,000.

	State Fiscal Year		FY25
	USD	Grantee Name	Award Amount
1		BGC Hutchinson (Shadduck Park)	$119,860
2		BGC Lawrence (Teen Center)	$125,000
3		BGC Manhattan (Bluemont)	$150,000
4		BGC Manhattan (Manhattan High School)	$150,000
5		BGC Manhattan (Woodrow Wilson)	$150,000
6	286	Chautauqua	$147,470
7	495	Ft. Larned	$118,221
8	475	Geary County (Eisenhower)	$75,783
9	475	Geary County (Lincoln)	$80,637
10	500	Kansas City (Emerson)	$150,000
11	500	Kansas City (ME Pearson)	$150,000
12	480	Liberal	$100,000
13	374	Sublette	$148,332
14	501	Topeka (McCarter)	$150,000
			$1,815,303

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 h.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Christine Macy	Bert Moore	Randy Watson		

Item Title:

Act on Recommendations for Continued Funding of Kansas 21st Century Community Learning Centers for 2024-2025

Recommended Motion:

It is moved that the Kansas State Board of Education approve recommendations for continued funding of Kansas 21st Century Community Learning Centers Grants for 2024-2025.

Explanation of Situation Requiring Action:

The 21st Century Community Learning Centers (21st CCLC) Program began in 1998 as a federal grant program. Competitive grants were awarded directly to local education agencies to create community learning centers, designed to expand learning opportunities for children and community members. When 21st CCLC was reauthorized as Title IV, Part B of the Elementary and Secondary Education Act of 2001, the administration for the grant program was shifted to the states. The grants are awarded on a competitive basis for a period of five years with a minimum award of $50,000 per year and a maximum award of $150,000 per year. A supplemental transportation allowance of up to $25,000 may be awarded to qualifying applicants providing programming in a rural community.

The current 21st CCLC grantees included in the attached list are recommended for continuation of funding for a total amount not to exceed $7,200,000 for 2024-2025.

	State Fiscal Year		FY25
	USD	Grantee Name	Award Amount
1	435	Abilene	$70,000
2	387	Altoona-Midway	$91,631
3	402	Augusta	$80,000
4		BGC Hutch (Avenue A)	$12,500
5		BGC Hutch (Middle School)	$79,868
6		BGC KC (Breidenthal)	$68,192
7		BGC KC (Olathe)	$67,499
8		BGC Lawrence (Hillcrest)	$80,000
9		BGC Lawrence (New York)	$65,000
10		BGC Lawrence (Prairie Park)	$125,000
11		BGC Lawrence (Schwegler)	$150,000
12		BGC Lawrence (Sunflower)	$100,000
13		BGC Lawrence (Woodlawn)	$80,000
14		BGC Manhattan (Eisenhower)	$125,000
15		BGC Manhattan (Lee)	$80,000
16		BGC Manhattan (Northview)	$150,000
17		BGC Manhattan (Roosevelt)	$80,000
18		BGC Topeka (Tecumseh North)	$70,000
19	459	Bucklin	$71,974
20	244	Burlington	$99,143
21	436	Caney Valley	$68,639
22	397	Clay County (Lincoln/Garfield)	$80,000
23	379	Clay County (Wakefield)	$69,919
24	445	Coffeyville (Elementary)	$79,999
25	445	Coffeyville (Preschool)	$67,360
26	315	Colby	$138,097
27	216	Deerfield	$88,018
28	289	Elk Valley	$124,763
29	499	Galena	$77,748
30	457	Garden City (Brown/Wilson)	$99,896
31	457	Garden City (Gertrude Walker)	$79,993
32	457	Garden City (Wilson/Ornelas)	$70,000
33	475	Geary County (Grandview)	$75,000
34	475	Geary County (Milford)	$78,654
35	475	Geary County (Seitz)	$110,000
36	475	Geary County (Sheridan)	$80,000
37	475	Geary County (Ware)	$127,000
38	475	Geary County (Washington)	$70,000

39	475	Geary County (Westwood)	$110,000
40	248	Girard	$99,959
41	352	Goodland	$69,918
42	390	Hamilton	$125,986
43	261	Haysville	$76,068
44	446	Independence	$79,152
45	257	Iola (Jefferson)	$80,000
46	257	Iola (McKinley/Lincoln)	$100,000
47	500	Kansas City (Banneker)	$80,000
48	500	Kansas City (New Chelsea)	$70,000
49	500	Kansas City (West Park)	$80,000
50	506	Labette County (Meadow View)	$124,886
51	506	Labette County (Mound Valley)	$148,740
52	386	Madison-Virgil	$77,472
53	383	Manhattan-Ogden (Bergman)	$80,000
54	383	Manhattan-Ogden (Ogden)	$80,000
55	209	Moscow	$105,790
56	461	Neodesha	$70,000
57	294	Oberlin	$95,646
58	504	Oswego	$84,607
59	290	Ottawa (Garfield)	$95,205
60	290	Ottawa (Lincoln/Sunflower)	$99,946
61	250	Pittsburg	$149,177
62	407	Russell	$80,000
63	466	Scott County	$100,000
64	349	Stafford (Elementary)	$93,470
65	349	Stafford (MS/HS)	$74,350
66	501	Topeka (Chase MS)	$80,000
67	501	Topeka (Quincy)	$80,000
68	501	Topeka (Robinson)	$80,000
69	214	Ulysses	$68,832
70	235	Uniontown (K-3)	$83,866
71	235	Uniontown (4-6)	$149,833
72	498	Valley Heights	$111,677
73	108	Washington (Elementary)	$95,000
74	282	West Elk	$94,789
75	259	Wichita (Adams)	$74,349
76	259	Wichita (Anderson)	$79,998
77	259	Wichita (Cleaveland)	$74,947
78	259	Wichita (Gordon Parks)	$69,998
79	259	Wichita (Ortiz)	$74,995
			$7,079,549

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number:

Staff Initiating:	Director:	Commissioner:	Meeting Date:	1/1/0001
Shane Carter	Shane Carter	Randy Watson		

Item Title:

Act to approve Kansas Registered Teacher Apprenticeship Pilot MeadowLARK Grant Funds.

Recommended Motion:

It is moved that the Kansas State Board of Education approve grant awards for the Kansas Registered Teacher Apprenticeship Program Districts for the 2024-2025 School Year.

Explanation of Situation Requiring Action:

The Kansas Apprenticeship Council approved KSDE's application to start a Registered Teacher Apprenticeship program in May 2023. Prior to implementing a state-wide Registered Teacher Apprenticeship program during the 2024-2025 school year, the Teacher Licensure team initiated a small pilot program beginning in August 2023 to ensure administrative processes are functional and in place to open the program state-wide. Governor's Emergency Education Relief (GEER) funds allotted to the Teacher Licensure team were utilized to fund the pilot program. The GEER funds are a temporary funding source which will no longer be available after September 30, 2024.

To sustain the Registered Teacher Apprenticeship program, additional funding sources are required. The teacher licensure team collaborated with the Department of Commerce's Office of Registered Apprenticeships and other state agencies to participate in the MeadowLARK – Leading Apprenticeship Results in Kansas initiative to expand the state's Registered Apprenticeship opportunities. The Kansas Office of Registered Apprenticeships was awarded a grant from the Department of Labor for a total $6,331,847. The Kansas Office of Registered Apprenticeships awarded the Registered Teacher Apprenticeship program a total of $3 million to use through June 2026.

The Teacher Licensure Team requests the following grants be approved for the 2024-2025 school year semester to each district per apprentice:

$7500 to cover tuition, books, and materials costs. The tuition funds will be paid out in $2500 increments for the Fall, Spring and Summer semesters.

$1500 to cover mentor stipends for mentors assigned to apprentices.

$5,000 district incentive per apprentice. This will be a one-time payment. This incentive payment will be used for operational costs associated with having an apprentice. This can include basic operational costs for an apprentice, to cover additional tuition, professional development for the apprentice, travel, supplies for college, a laptop, or other support services.

A list of districts and the amount of grant awards will be provided before the June 2024 board meeting. The application window for districts to apply to participate in the program closes on June 3, 2024. The detailed list will be provided as soon as possible after June 3, 2024.

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 7 j.

Staff Initiating:	Director:	Commissioner:	Meeting Date:	6/12/2024
Jessica Dorsey	Beth Fultz	Randy Watson		

Item Title:

Act on request to contract with America Learns, LLC for the AmeriCorps Impact Suite software

Recommended Motion:

It is moved that the Kansas State Board of Education authorize the Commissioner of Education to enter into a contract with America Learns, LLC, for the purpose of federal subgrantee monitoring, with said contract to be from July 1, 2024 through June 30, 2025, in an amount not to exceed $39,125 out of federal funds.

Explanation of Situation Requiring Action:

The Kansas Volunteer Commission will contract with America Learns, LLC, for the AmeriCorps Impact Suite, which is a subgrantee progress and financial monitoring system. This system will be utilized to monitor the approximately $3 million dollars in grant funds allocated to AmeriCorps Kansas and Volunteer Generation Fund subgrantees.

In 2021, we moved to the America Learns system because it has budget templates aligned to the requirements of our federal funder, preloaded performance measures aligned to our required performance measure instructions, and a timesheet system for AmeriCorps members to record their service time.

We also had a growing need to develop an electronic system for maintaining the files of our 250+ AmeriCorps members across the state for compliance and monitoring. Previously, the files were kept in paper form and when we monitored for compliance, we had to either travel onsite or the programs had to scan the files (with over 25 required pieces of documentation each) and then send it to us via a secure file sharing system. This was cumbersome, time consuming and unnecessary. America Learns offers a robust member file keeping system that makes compliance visits efficient. All programs need to do is click a button and Commission staff instantly has access to each electronic member file.

The contract includes the following services and costs:
Grantee Progress Reports: $3,750
Financial Reports: $3,750
Timesheets and Member Files: $2,625 x 11 programs = $28,875
Electronic document signing: $250 x 11 programs = $2,750
Implementation Consulting and Ongoing Support: Included
This contract will not exceed a total of $39,125. The contract also includes: unlimited accounts for commission staff, unlimited data storage and access across program years, including archived data from My Service Log, multiple daily data backups, including seven-year storage of end-of-month backups, and access to all upgrades and new features within the services being used.

The proposed contract would operate from July 1, 2024 to June 30, 2025. Federal funds are provided by the Corporation for National and Community Service (DBA AmeriCorps).

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 k.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Jon Harding		Randy Watson		

Item Title:

Authorize KSSB to enter into contract with Corporate Cleaning Group, Inc.

Recommended Motion:

It is moved that the Kansas State Board of Education authorize the Superintendent to enter into contract with Corporate Cleaning Services Group to provide cleaning of school facilities for the 2024-2025 school year in an amount not to exceed $120,000.00

Explanation of Situation Requiring Action:

The Legislature has approved funding for this contract cleaning service.

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 k.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Jon Harding		Randy Watson		

Item Title:

Authorize KSSB to enter into contract with the VocoVision Staffing Group.

Recommended Motion:

It is moved that the Kansas State Board of Education authorize the Superintendent of the Kansas State School for the Blind to enter into a contract with Vocovision to provide a Speech Language Therapist Assistant (SLPA) for the 2024-2025 school year in an amount not to exceed $80,000.00

Explanation of Situation Requiring Action:

The SLP Assistant will work under the supervision and direction of a fully certified Speech Language Pathologist.

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 k.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Jon Harding		Randy Watson		

Item Title:

Authorize KSSB to sign a contract with Soliant Health (or VocoVision) for Speech Language Pathology Services.

Recommended Motion:

It is moved that the Kansas State Board of Education authorize the Superintendent of the Kansas State School for the Blind to sign a contract with Soliant Health (or VocoVision) for SLP services in an amount not to exceed $100k for the 2024/2025 school year.

Explanation of Situation Requiring Action:

KSSB needs an on-site SLP to provide speech language pathology minutes on campus students' IEPs, as required by IDEA.

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 k.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Jon Harding		Randy Watson		

Item Title:

Authorize KSSB to renew a contract with Kansas City, Kansas Police Department (KCKPD) for daytime and overnight security services for 2024/2025 school year.

Recommended Motion:

It is moved that the Kansas State Board of Education authorize the Superintendent of the Kansas State School for the Blind to renew the contract with KCK Police to provide evening and overnight security services in an amount not to exceed $260,000.00

Explanation of Situation Requiring Action:

KSSB contracts with the KCKPD to provide both daytime (SRO) and overnight security services for our students and staff. KSSB received approval for annual funding from the Legislature in FY 24 to cover these expenses.

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 k.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Jon Harding		Randy Watson		

Item Title:

Authorize KSSB to renew contract with Accessible Arts, Inc. for facilities use and art instruction

Recommended Motion:

It is moved that the Kansas State Board of Education authorize the Superintendent of the Kansas State School for the Blind to renew a contract with Accessible Arts, Inc. Accessible Arts will pay KSSB $135,000.00 in exchange for use of KSSB's facilities to provide arts-related services (drama, movement, dance, visual arts, music) for students on campus and across the state.

Explanation of Situation Requiring Action:

This is a long-term relationship that has served our students well.

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 k.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Jon Harding		Randy Watson		

Item Title:

Authorize KSSB to renew contract with Soliant Health for nursing services in school dormitory.

Recommended Motion:

It is moved that the Kansas State Board of Education authorize the Superintendent of the Kansas State School for the Blind to renew a contract with Soliant Health for evening (3p-11p) nursing services for dormitory students in an amount not to exceed $100k.

Explanation of Situation Requiring Action:

KSSB provides care for students 24 hrs a day, 5 days a week (Sunday-Friday) for students who reside in our dormitory. KSSB has three nurses who provide round-the-clock care in three shifts. 2 are employed by our agency, but the evening shift is currently contracted.

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 I.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Jon Harding		Randy Watson		

Item Title:

Authorize out-of-state tuition contracts for students attending Kansas State School for the Blind

Recommended Motion:

It is moved that the Kansas State Board of Education authorize the Superintendent of the Kansas State School for the Blind to sign contracts with out-of-state school districts that request a student placement in our campus programs (3-21).

Explanation of Situation Requiring Action:

The following Missouri school districts have requested campus placement for the 24/25 school year. The State Board has set policy for KSSB to charge $40k for out of state day students and an additional $20k for students who reside in the dormitory.

Lawson, MO (2); $80k
Ray Pec MO (1); $48k (+ 2 nights in dorm)
KCPS MO (1); $40k
Cameron MO (1); $40k

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 m.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Jon Harding		Randy Watson		

Item Title:

Assurances Form for School for the Blind (IDEA Part B funds)

Recommended Motion:

I move that the Kansas State Board of Education endorse and provide all necessary assurances in support of the Kansas State School for the Blind's Part VI-B application for federal fiscal year 2025.

Explanation of Situation Requiring Action:

KSSB used Part VI-B funds to pay our certified braillist as well as instructional staff development.

2024-2025 Excel in CTE (SB155) Qualifying Industry Recognized Credential Incentive List

2018 Standard Occupational Codes (SOC)	Classification of Instructional Program (CIP) Code	Occupation	Credentials/Certifications Qualifying for Incentive Payment	Average Annual Wages 2023
53-3032	49.0205	Truck Drivers, Heavy and Tractor-Trailer	Commercial Driver License (CDL)	$51,670
53-3033	49.0205	Truck Drivers, Light or Delivery Services	Commercial Driver License (CDL)	$42,910
31-1131	51.3902, 51.2601	Nursing Assistants**	Certified Nurse Aide (CNA)	$33,490
15-1232	01.0106, 11.1006, 51.0709	Computer Support Specialists	*Cisco* -- Cisco Certified Support Technician; *CompTIA* - A+; *CompTIA* - Network +; *CompTIA* - Server +; *CompTIA* - Security +	$53,940
49-3023	47.0600, 47.0604, 47.0614, 47.0617	Automotive Service Technicians and Mechanics	*Automotive Service Excellence (ASE)* - ASE Student Certification in all 4 of the following areas: Brakes, Electrical/Electronic Systems, Engine Performance, and Suspension and Steering – *OR ASE Student Certification in at least one of the following areas: Maintenance and Llight Repair (MLR), Automobile Serive Technician (AST) or Master Automobile Service Technician (MAST)*	$44,130
51-4121	15.0614, 48.0508	Welders, Cutters, Solderers, and Brazers	*American Welding Society* (AWS) -- 3 Position Qualifications D1.1 standard or higher (AWS - 1F, 2F and 1G); *American Society of Mechanical Engineers (* ASME) Section 9 Standards (6G level)	$48,460
47-2031	46.0201	Carpenters	*National Center for Construction Education and Research (NCCER)* - Core Curriculum: Introduction to Craft Skills and Carpentry Level 1	$50,710
47-2111	46.0302	Electricians	*National Center for Construction Education and Research (NCCER)* - Core Curriculum: Introduction to Craft Skills and Electrical Level 1	$59,750
49-9041	47.0303	Industrial Machinery Mechanics	*National Center for Construction Education and Research (NCCER)* - Core Curriculum: Introduction to Craft Skills and Industrial Maintenance Level I; *Society of Maintenance & Reliability Professionals*-- Certified Maintenance & Reliability Technician (CMRT)	$60,800
49-3031	47.0605, 47.0613	Bus and Truck Mechanics and Diesel Engine Specialists	*Automotive Service Excellence (ASE)* - ASE Student Certification in all 4 of the following areas: Diesel Engines, Electrical/Electronic Systems, Brakes, and Steering & Suspension	$52,300
51-9161	48.0510	Computer-Controlled Machine Tool Operators	*National Institute for Metalworking Skills (NIMS)* - Machining Level 1	$46,660
47-2152	46.0502, 46.0503, 46.0599	Plumbers, Pipefitters, and Steamfitters	*National Center for Construction Education and Research (NCCER)* - Core Curriculum: Introduction to Craft Skills and Plumbing and Pipefitting Level 1	$57,660
49-9021	47.0201	Heating, Air Conditioning, and Refrigeration Mechanics and Installers	*ICE* - Core +Residential Air Conditioning & Heating or Light Commercial Air Conditioning & Heating or Commercial Refrigeration; *North American Technician Excellence (NATE)* - Core + 1 one of the following specialty areas: Air Conditioning, Air Distribution, Air-to Air Heat Pumps, Gas Furnaces, Oil Furnaces, Hydronics Gas, Light Commercial Refrigeration, Commercial Refrigeration, Ground Source Heat Pump Loop Installer; *HVAC Excellence* - Core Areas (Electrical & Refrigeration Theory) + one of the following specialty areas: Air Conditioning, Gas Heat, & Electrical or Light Commercial Air Conditioning, Gas Heat & Electrical or Light Commercial Refrigeration & Electrical; *National Center for Construction Education and Research (NCCER)* - Core + HVAC Levels 1 & 2	$54,270
51-4041, 51-4031	48.0501, 48.0503	Machinists	*National Institute for Metalworking Skills (NIMS)* - Machining Level 1	$46,190
11-9013	01.0101, 01.1012, 01.0199	Farmers, Ranchers, and Other Agricultural Managers **	*Kansas Department of Agriculture (KDA)* - KS Commercial Pesticide Applicators Certificate, *Kansas Department of Agriculture (KDA)* - Agriculture Skills and Competencies Certificate, *Kansas Department of Agriculture (KDA)* -Plant Systems Skills and Comptencies Certificate, *Kansas Department of Agriculture (KDA)* - Animal Science Skills and Competencies Certificate	$71,010
33-2011	43.0203	Fire Fighter	National Firefighter I Certification	$40,560
11-9051	12.0504	Food Service Managers	*National Restaurant Association Educational Foundation* - ProStart National Certificate of Achievement; *ServSafe* - Food Protection Manager	$66,070
31-9091	51.0601	Dental Assistant	Certified Dental Assistant Certification	$39,000
29-2040, 29-2042, 29-2043	51.0810, 51.0904	Emergency Medical Technicians & Paramedics**	*EMT-Basic National Registry* - EMT Certification, National Registry-Paramedic -- Paramedic Certification	$31,484

2024-2025 Excel in CTE (SB155) Qualifying Industry Recognized Credential Incentive List

2018 Standard Occupational Codes (SOC)	Classification of Instructional Program (CIP) Code	Occupation	Credentials/Certifications Qualifying for Incentive Payment	Average Annual Wages 2023
29-2052	51.0805	Pharmacy Technicians	*Kansas Board of Pharmacy* - Kansas Pharmacy Technician Certification Board Exam (PTCB); Certified Pharmacy Technician	$38,040
31-9097	51.1009	Phlebotomists	*American Medical Technologist (AMTE)* - Registered Phlebotomy Tech, *American Society for Clincal Pathology (ASCP)* - Phlebotomy Technician, *National Healthcareers Association (NHA)* - Certified Phlebotomy Technician, *National Phlebotomy Association Certification (NPCE)* - Certified Phlebotomist Technologist.	$37,320
29-2098	51.0707, 51.0713	Medical Records Specialists	*American Health Information Management Association (AHIMA)* - Registered Health Information Technician, or Certifed Coding Associate, *American Academy of Professional Coders (AAPC)* - Certified Professional Coder	$43,545
49-3042	01.0205, 47.0302	Farm Equipment Mechanics	*Automotive Service Excellence (ASE)* - ASE Student Certification in all 4 of the following areas: Diesel Engines, Electrical/Electronic Systems, Brakes, and Steering & Suspension	$55,960
49-3021, 51-9124	47.0603	Automotive Body and Related Repairers	*Automotive Service Excellence (ASE) - ASE Student Certification on any of the following areas: Painting & Refinishing, Structural Analysis & Damage Repair, Non-Structural Analysis & Damage Repair, or Mechanical & Electrical;* *Inter-Industry Conference on Auto Collision Repair (I-CAR)--Refinish Technician ProLevel 1*	$48,810
51-2011, 49-3011	47.0607, 47.0608	Aircraft Mechanics and Service Technicians	*Federal Aviation Administration (FAA)* - General Exam, and Aviation Maintenance Technician- Airframe, or Aviation Maintenance Technican-Powerplant	$67,480

** Stackable Credentials

Occupations on the qualifying credentials list were identified by the Kansas Department of Labor as High Demand Occupations, having an overal demand score between 10 and 30 (possible score of 10 on each report): Long-Term Projections (2020-2030), Short-Term Projections (2022-2024), and 2023 Q2 advertised jobs on KLIC (klic.dol.ks.gov); with an average annual wage meeting at least 70% of average annual wage in Kansas on the most recent Wage Survey ($36,995 for 2023).
Occupations on this list must have a Standard Occupational Code (SOC) that corresponds to Classification of Instructional Program (CIP) code associated with an approved postsecondary program being offered.

*** 2025 Watch List Occupations: Occupations on the 2024 SB155 Certifications/Credentials List but no longer meet the High Demand/Wage/Education criteria**
(Only for students who started courses in 2023-2024 Credential must be earned before December 2025)

No occupations meet the criteria for the 2025 Watch List.

*** 2024 Watch List Occupations: Occupations on the 2023 SB155 Certifications/Credentials List but no longer meet the High Demand/Wage/Education criteria**
(Only for students who started courses in 2022-2023 Credential must be earned before December 2024)

No occupations meet the criteria for the 2024 Watch List.

Occupations remain on the Watch List for a minimum of two years prior to an occupation being removed from the listing.

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 n.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Natalie Clark	Beth Fultz	Randy Watson		

Item Title:

Career and Technical Education (CTE) Pathway Credential Recommendations

Recommended Motion:

It is moved that the Kansas State Board of Education approve

(1) List of industry-sought credentials, that career and technical education students may request school districts pay any fees charged for any assessment or other examination that is required for such student to obtain an approved industry-sought career technical education credential.

(2) List of high-value industry-recognized career and technical education credentials and a list of standard career and technical education industry-recognized credentials.

Explanation of Situation Requiring Action:

Background Information

There are three separate pieces of law and compliance responsibilities that relate to career and technical education credentials.

Excel in Career Technical Education Initiative (SB-155)

Senate Bill 155 was the enacting legislation, and beginning with the 2012-2013 school year, Kansas high school students qualified for state-funded college tuition in approved technical courses offered by Kansas technical and community colleges.

Occupations on the Excel in CTE (SB155) qualifying industry recognized credentials list are identified by the Kansas Department of Labor as High Demand Occupations with an average annual wage meeting at least 70% of average annual wage in Kansas on the most recent Wage Survey. Occupations on this list must have a Standard Occupational Code (SOC) that corresponds to Classification of Instructional Program (CIP) code associated with an approved postsecondary program being offered.

The Technical Education Authority votes yearly on the Excel in CTE (SB155) Qualifying Industry Recognized Credentials List.

Substitute for HB 2466 (page 3, new section 6)

In 2022, Substitute for HB 2466 (page 3, new section 6) required the Kansas State Department of Education to conduct a survey of high--value and standard value credentials and career and technical education courses offered to students enrolled in public high schools for the purpose of determining the needs for secondary career technical education credentialing. The CTE Credentials report was created and submitted to the House Committee on Education and the Senate Committee on Education prior to January 15, 2023.

Substitute for HB 2466 (New Sec. 7) (a) *On or before July 31, 2023, and each July 31 thereafter, the state board of education shall review and approve a list of high-value industry-recognized credentials and a list of standard industry-recognized credentials.*

SB 123 New Sec. 10 (72-3825)

The Governor approved SB 123 April 20, 2023 and it was signed into law. The Kansas State Department of Education was asked to survey each school district to ask *which career technical education credentials each school district offers that satisfies the definition of "industry-sought credential".*

The Career Technical Education Credential and Transition Incentive for Employment Success Act Survey

New Sec. 10. (a) This section shall be known and may be cited as the career technical education credential and transition incentive for employment success act. (b) *Each school district that offers career technical education for students enrolled in any of the grades nine through 12 shall, upon request by any such student, pay any fees charged for any assessment or other examination that is required for such student to obtain an approved industry-sought career technical education credential.*

(c) (1) *On or before July 1, 2023, and each July 1 thereafter, the state board of education and state board of regents shall jointly conduct a survey of school districts and colleges on which career technical education credentials each school district offers that satisfies the definition of "industry-sought credential" under subsection (d).*

(2) On or before July 31, 2023, and each July 31 thereafter, the State Board of Education and State Board of Regents, after consultation with the Secretary of Labor, the Secretary of Commerce and representatives of industries that recognize career technical education credentials, shall jointly approve a list of industry-sought credentials.
(d) As used in this section:

(1) "College" means any community college, technical college or the Washburn institute of technology; and
(2) "industry-sought credential" means a career technical education credential that is:
(A) Repeatedly referenced in job postings; and
(B) frequently referred to by employers in communications with school districts as a career technical education credential that is in demand.

The Kansas Board of Regents will be asked to take action to approve the list of industry-sought credentials. The Technical Education Authority (TEA) will review the Career Technical Education (CTE) Credential and Transition Incentive for Employment Success (SB123) List May 30, 2024.

There is overlap in the lists presented. For simplicity we are providing you with four lists.

1. Excel in CTE (SB155) Qualifying Industry Recognized Credentials List 2024-2025 (No Changes from last year, 2023-2024).

2. High Value List (Based on the Excel in CTE (SB155) Qualifying Industry Recognized Credentials List,

No Changes from last year, 2023-2024).

3. Standard Value List (No Changes from last year, 2023-2024).

4. Career Technical Education (CTE) Credential and Transition Incentive for Employment Success (SB123) Industry-Sought List (No Changes from last year, 2023-2024).

SB123 Credential Listing 2023-2024

2018 Standard Occupational Codes (SOC)	Occupation	Average Annual Wages 2022	Classification of Instructional Program (CIP) Code	Certification(s)
11-9013	Farmers, Ranchers, and Other Agricultural Managers	$57,250	01.0101, 01.1012, 01.0199	*Kansas Department of Agriculture (KDA)* -- KS Commercial Pesticide Applicators Certificate, *Kansas Department of Agriculture (KDA)* -- Agriculture Skills and Competencies Certificate, *Kansas Department of Agriculture (KDA)* --Plant Systems Skills and Comptencies Certificate, *Kansas Department of Agriculture (KDA)* -- Animal Science Skills and Competencies Certificate
11-9051	Food Service Managers	$61,720	12.0504	*National Restaurant Association Educational Foundation* - ProStart National Certificate of Achievement; ServSafe Food Protection Manager
15-1232	Computer Support Specialists	$50,140	01.0106, 11.1006, 51.0709	*Cisco* -- Cisco Certified Support Technician; CompTIA - A+; CompTIA - Network +; CompTIA - Server +; CompTIA - Security +; *Microsoft* -- Microsoft Certified Solutions Associate (MCSA)
29-2040, 29-2042, 29-2043	Emergency Medical Technicians & Paramedics	$31,484	51.0810, 51.0904	*EMT-Basic National Registry* -- EMT Certification, National Registry-Paramedic -- Paramedic Certification
29-2052	Pharmacy Technicians	$36,390	51.0805	*Kansas Board of Pharmacy* -- Kansas Pharmacy Technician Certification Board Exam (PTCB); Certified Pharmacy Technician
29-2098	Medical Records Specialists	$43,545	51.0707, 51.0713	*American Health Information Management Association (AHIMA)* - Registered Health Information Technician, or Certifed Coding Associate*, American Academy of Professional Coders (AAPC)* - Certified Professional Coder
31-1131	Nursing Assistants	$29,730	51.3902	Certified Nurse Aide (CNA)
31-9091	Dental Assistant	$38,330	51.0601	Certified Dental Assistant Certification
31-9097	Phlebotomists	$35,020	51.1009	*American Medical Technologist (AMTE)* - Registered Phlebotomy Tech*, American Society for Clincal Pathology (ASCP)* - Phlebotomy Technician, *National Healthcareers Association (NHA)* - Certified Phlebotomy Technician*, National Phlebotomy Association Certification (NPCE)* - Certified Phlebotomist Technologist.
31-9099	Certified Medication Aide	$35,480	51.2603	Certified Medication Aide (CMA)
33-2011	Fire Fighter	$40,370	43.0203	National Firefighter I Certification
47-2031	Carpenters	$44,760	46.0201	*National Center for Construction Education and Research (NCCER)* - Core Curriculum: Introduction to Craft Skills and Carpentry Level 1
47-2111	Electricians	$56,790	46.0302	*National Center for Construction Education and Research (NCCER)* - Core Curriculum: Introduction to Craft Skills and Electrical Level 1
47-2152	Plumbers, Pipefitters, and Steamfitters	$55,050	46.0502, 46.0503, 46.0599	*National Center for Construction Education and Research (NCCER)* - Core Curriculum: Introduction to Craft Skills and Plumbing and Pipefitting Level 1
49-3021, 51-9124	Automotive Body and Related Repairers	$43,780	47.0603	*Automotive Service Excellence (ASE)*-- ASE Student Certification on any of the following areas: Painting & Refinishing, Structural Analysis & Damage Repair, Non-Structural Analysis & Damage Repair, or Mechanical & Electrical*;* *Inter-Industry Conference on Auto Collision Repair (I-CAR)*-- Refinish Technician ProLevel *1*
49-3023	Automotive Service Technicians and Mechanics	$42,900	47.0600, 47.0604, 47.0614, 47.0617	*Automotive Service Excellence (ASE)* -- ASE Student Certification in all 4 of the following areas: Brakes, Electrical/Electronic Systems, Engine Performance, and Suspension and Steering – OR ASE Student Certification in at least one of the following areas: Maintenance and Llight Repair (MLR), Automobile Serive Technician (AST) or Master Automobile Service Technician (MAST)
49-3031	Bus and Truck Mechanics and Diesel Engine Specialists	$52,030	47.0605, 47.0613	*Automotive Service Excellence (ASE)*-- ASE Student Certification in all 4 of the following areas: Diesel Engines, Electrical/Electronic Systems, Brakes, and Steering & Suspension
49-3042	Farm Equipment Mechanics	$52,300	01.0205, 47.0302	*Automotive Service Excellence (ASE)*-- ASE Student Certification in all 4 of the following areas: Diesel Engines, Electrical/Electronic Systems, Brakes, and Steering & Suspension
49-9021	Heating, Air Conditioning, and Refrigeration Mechanics and Installers	$51,270	47.0201	*ICE* --Core +Residential Air Conditioning & Heating or Light Commercial Air Conditioning & Heating or Commercial Refrigeration; *North American Technician Excellence (NATE)* -- Core + 1 one of the following specialty areas: Air Conditioning, Air Distribution, Air-to Air Heat Pumps, Gas Furnaces, Oil Furnaces, Hydronics Gas, Light Commercial Refrigeration, Commercial Refrigeration, Ground Source Heat Pump Loop Installer; *HVAC Excellence* -- Core Areas (Electrical & Refrigeration Theory) + one of the following specialty areas: Air Conditioning, Gas Heat, & Electrical or Light Commercial Air Conditioning, Gas Heat & Electrical or Light Commercial Refrigeration & Electrical; *National Center for Construction Education and Research (NCCER)*-- Core + HVAC Levels 1 & 2

SB123 Credential Listing 2023-2024

2018 Standard Occupational Codes (SOC)	Occupation	Average Annual Wages 2022	Classification of Instructional Program (CIP) Code	Certification(s)
49-9041	Industrial Machinery Mechanics	$59,190	47.0303	*National Center for Construction Education and Research (NCCER)* -- Core Curriculum: Introduction to Craft Skills and Industrial Maintenance Level I; *Society of Maintenance & Reliability Professionals*-- Certified Maintenance & Reliability Technician (CMRT)
51-2011, 49-3011	Aircraft Mechanics and Service Technicians	$65,600	47.0607, 47.0608	*Federal Aviation Administration (FAA)* --General Exam, and Aviation Maintenance Technician- Airframe, or Aviation Maintenance Technican-Powerplant
51-4041, 51-4031	Machinists	$43,520	48.0501, 48.0503	*National Institute for Metalworking Skills (NIMS)* - Machining Level 1
51-4121	Welders, Cutters, Solderers, and Brazers	$46,390	15.0614, 48.0508	*American Welding Society* (AWS) -- 3 Position Qualifications D1.1 standard or higher (AWS - 1F, 2F and 1G); *American Society of Mechanical Engineers (* ASME) Section 9 Standards (6G level)
51-9161	Computer-Controlled Machine Tool Operators, Metal and Plastic	$45,400	48.0510	*National Institute for Metalworking Skills (NIMS)* - Machining Level 1
53-3032	Truck Drivers, Heavy and Tractor-Trailer	$50,960	49.0205	Commercial Driver License (CDL)
53-3033	Truck Drivers, Light or Delivery Services	$41,860	49.0205	Commercial Driver License (CDL)

The SB 123 2023-2024 Credential list was developed based on the 2023-24 Excel in CTE (SB155) Qualifying Industry Recognized Credential Incentive List with the addition of Certified Medication Aid (CMA)
Occupations on this list have a Standard Occupational Code (SOC) that corresponds to Classification of Instructional Program (CIP) code associated with an approved postsecondary program being offered.

High-Value Credentials

ASE – Automobile Service Technician - 1022
ASE – Maintenance & Light Repair - 1023
ASE – Master Automobile Service Technician - 1024
ASE – Mechanical & Electrical - 1025
ASE – Non-Structural Analysis & Damage Repair - 1026
ASE – Non-Structural Analysis & Damage Repair - 1027
ASE – Structural Analysis & Damage Repair - 1028
ASE – Student Certification (4 areas) - 1029
ASE – Student Certification Diesel (4 areas) - 1030
ASME – Section 9 Standards (6G Level) - 1034
AWS Certification - 1036
Aviation Technician
Broadband Installer
Certified Nurse Aide (CNA) - 1042
Cisco Certified Entry Networking Technician – CCENT - 1044
Commercial Driver's License - 1050
CompTIA A+ - 1051
CompTIA Network+ - 1052
CompTIA Security+ - 1054
CompTIA Server+ - 1053
Dental Assistant - 1122
Emergency Medical Technician (EMT) - 1057
Fire Fighter Level 1 - 1061
Health Coder Certification
Health Information Technician
HVAC Excellence – Core and Air Conditioning, Gas Heat & Electrical - 1064
HVAC Excellence – Core and Lt. Comm. Air Cond, Gas Heat & Electrical - 1065
HVAC Excellence – Core and Lt. Comm. Refrigeration & Electrical - 1066
I-CAR – Refinish Technician ProLevel 1 - 1067
ICE Core & Commercial Refrigeration - 1068
ICE Core & Light Commercial Air Cond. & Heating - 1069
ICE Core & Res. Air Cond. & Heating - 1070
Kansas Agriculture Skills and Competencies Certificate - 1071
Kansas Animal Science Skills and Competencies Certificate - 1143
Kansas Plant Systems Skills and Competencies Certificate - 1072
Microsoft Certified Solutions Associate – MCSA - 1076

Microsoft Technology Associate – MTA - 1075
MSSC – Certified Production Technician - 1079
NATE Core & Air Conditioning - 1080
NATE Core & Air Distribution - 1081
NATE Core & Air-to-Air Heat Pumps - 1082
NATE Core & Gas or Oil Furnaces - 1083
NATE Core & Light Commercial/Commercial Refrigeration - 1084
NCCER Core & Carpentry Level 1 - 1087
NCCER Core & Electrical Level 1 - 1090
NCCER Core & HVAC Levels 1 & 2 - 1091
NCCER Core & Industrial Maintenance Level 1 - 1092
NCCER Core & Plumbing & Pipefitting Level 1 - 1094
NCCER Core & Sheet Metal Level1 - 1095
NIMS Machining Level 1 - 1096
NIMS Metal Forming 1 - 1097
Paramedic Certification
Pesticide Applicator Certification, Personal or Commercial - 1100
Pharmacy Technician - 1101
Phlebotomy Technician - 1102
Pro-Start - 1104
ServSafe – Manager - 1107
SMRP – Certified Maintenance & Reliability Technician - 1109

Standard Credentials

AAFCS – pre-PAC – Broad Field Family & Consumer Sciences - 1002
AAFCS – pre-PAC – Culinary Arts - 1003
AAFCS – pre-PAC – Early Childhood Education - 1004
AAFCS – pre-PAC – Family & Community Services - 1005
AAFCS – pre-PAC – Fashion, Textiles and Apparel - 1001
AAFCS – pre-PAC – Nutrition, Food & Wellness - 1006
AAFCS – pre-PAC – Personal & Family Finance - 1007
AAFCS – pre-PAC Education Fundamentals - 1008
AAFCS – pre-PAC Interior Design Fundamental - 1009
AAFCS- Interior Design Fundamentals - 1142
ADDA – Certified Drafter - 1010
Adobe Campaign - 1011
Adobe Digital Publishing Suite - 1012
Adobe Dreamweaver - 1013
Adobe Flash - 1014
Adobe Frame Maker - 1015
Adobe Illustrator - 1016
Adobe In-Design - 1017
Adobe Media Optimizer - 1018
Adobe Photoshop - 1019
Adobe Premier Pro - 1020
AHRI – HVAC Certifications - 1021
Apple Swift App Development Certification - 1140
ASE - Student Certification (2 areas) - 1148
ASK – Concepts of Entrepreneurship/Management - 1135
ASK – MBA Research – Concepts of Entrepreneurship and Management Certification - 1031
ASK – MBA Research – Concepts of Finance Certification - 1032
ASK – MBA Research – Fundamental Business Concepts Certification - 1033
ASK- MBA Research- Fundamental Marketing Concepts Certification - 1126
Auto Desk – Certification Program for: User, Professional, Specialist - 1035
AWS SENSE Certification - 1037
Beef Quality Assurance - 1038
Cardio Pulmonary Resuscitation (CPR) - 1039
CareerSafe – CyberSafe Safety Awareness Training - 1040
Certified Med Aide (CMA) - 1041
Certified Protection Officer - 1043

Child Development Associates- CDA - 1141
Cisco Certified Design Expert – CCDE - 1048
Cisco Certified Internetwork Expert – CCIE - 1047
Cisco Certified Network Associate – CCNA - 1045
Cisco Certified Network Professional – CCNP - 1046
Citrix Certified Associate – Networking - 1049
cPass Animal Systems - 1116
cPass Comprehensive Agriculture - 1114
cPass Horticulture Module - 1118
cPass Plant Systems - 1117
cPass Power, Structural and Technical System Module - 1115
Dog Handler - 1144
EKG Technician - 1055
Emergency Medical Responder (EMR) (First Responder) - 1056
Energy Industry Fundamentals (CEWD) - 1058
EPA – Section 608 Certification - 1059
EPA – Section 609 Certification - 1060
EverFi - 1120
Facebook Blueprint Certification - 1152
First Aid - 1062
Foundations for Safe & Healthy Early Care Facilities- Module 1 (4 Certifications) (Must get all
Foundations for Safe & Healthy Early Care Facilities- Modules 1 & 2 (Must get all 10 certificat
Google Analytics - 1151
Home Health Aide - 1063
ICC Certification for Building Construction - 1124
ISCET ASSOCIATE-LEVEL CET EXAM - 1149
ISCET ELECTRONICS SYSTEMS ASSOCIATE (ESA) EXAM - 1150
Master Teacher- ParaEducator Assessment Parts 1 & 2 (Must take both) - 1137
MBA Research 2-Cr. Standard Business Management & Administration POS Exam - 1131
MBA Research 2-Cr.Standard Marketing Program-of-Study Exam - 1132
Microsoft Access Certification - 1129
Microsoft Certified Solutions Developer – MCSD - 1078
Microsoft Certified Solutions Expert – MCSE - 1077
Microsoft Digital Literacy Certification - 1074
Microsoft Excel Certification - 1127
Microsoft Office Specialist – Associate A combination of three certificates (Word - 1130, Exce
Microsoft Office Specialist – Expert A combination of two certificates (Word - 1130, Excel - 11

Microsoft PowerPoint Certification - 1128
Microsoft Word Certification - 1130
National Health Science Assessment - 1085
National Safe Tractor and Machinery Operation Program (NSTMOP) (tractor safety) - 1086
NC3 - Data Analytics/Harnessing the Power of Data - 1147
NCCER Core & Carpentry Level 2 - 1125
NCCER Core & Concrete Finishing - 1088
NCCER Core & Construction Laborer - 1089
NCCER Core & Masonry Level 1 - 1093
NCCER4 - 1121
OSHA Safety Certification (10 Hour) - 1098
Para Educator - 1146
Paraprofessional Certification - 1099
Pork Quality Assurance - 1103
Public Safety Telecommunications (911 Dispatching) - 1105
QuickBooks Certification - 1123
Red Cross or American Heart Association - Basic Life Support - 1153
ServSafe – Food Handlers - 1106
Solid Works Software Certification - 1110
Telecommunications Apprentice Certification (ETA) - 1111
YQCA- Youth for the Quality Care of Animals - 1136

el - 1127, and PowerPoint - 1128) - 1073

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 o.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Scott Gordon	Scott Gordon	Randy Watson		

Item Title:

Act to approve renewal of the Smoky Hill / Central Kansas Education Service Center's Interlocal Agreement

Recommended Motion:

It is moved that the Kansas State Board of Education approve renewal of the Smoky Hill / Central Kansas Education Service Center's Interlocal Agreement.

Explanation of Situation Requiring Action:

K.S.A. 72-13,100 authorizes school districts to enter into agreements for the purpose of jointly and cooperatively performing any of the services, duties, functions, activities, obligations or responsibilities which are authorized or required by law to be so performed. The Smoky Hill/Central Kansas Education Service Center renewal agreement has been signed by all charter members and now awaits final approval by the State Board. KSDE's General Counsel has reviewed the amended agreement. The agreement, which is attached in the following pages, complies with all statutory and regulatory requirements.

SMOKY HILL / CENTRAL KANSAS
EDUCATION SERVICE CENTER
INTERLOCAL AGREEMENT

This Interlocal Agreement is made pursuant to the provisions of K.S.A. 12-2901, et. seq (See Attachment A). "It is the purpose of this act to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities, persons, associations, and corporations on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities".

In addition, K.S.A. 72-13,100 formerly K.S.A. 72-8230 (See Attachment B) states, "In the event the boards of education of any two or more school districts enter into a school district interlocal cooperation agreement for the purpose of jointly and cooperatively performing any of the services, duties, functions, activities, obligations or responsibilities which are authorized or required by law to be performed by school districts of this state, the following conditions shall apply".

This interlocal agreement is made with the sincere desire of all cooperating unified school districts as public agencies per K.S.A. 12-2903 (See Attachment C), to work together for the mutual benefits for all children we serve and we the undersigned hereby and herein formally join together in an atmosphere of trust and confidence to establish a separate legal entity known as the Smoky Hill / Central Kansas Education Service Center (hereinafter referred to as the "Center").

The following unified school districts, by and through their respective boards of education, have each adopted a resolution authorizing the unified school district to enter into this agreement effective July 1, 2024 – June 30, 2029.
(**Charter Member**, Associate Member)

LIST OF SCHOOLS

ABILENE USD 435	**HOISINGTON USD 431**	**REPUBLIC COUNTY USD 109**
BELOIT USD 273	HOXIE USD 412	**ROCK HILLS USD 107**
BUHLER USD 313	**KINSLEY-OFFERLE USD 347**	**RURAL VISTA USD 481**
CENTRAL PLAINS USD 112	**LEWIS USD 502**	**RUSSELL COUNTY USD 407**
CENTRE USD 397	**LOGAN USD 326**	**SALINA USD 305**
CHAPMAN USD 473	MARION-FLORENCE USD 408	**SMITH CENTER USD 237**
CLAY CENTER USD 379	McPHERSON USD 418	SMOKY VALLEY USD 400
CLIFTON/CLYDE USD 224	N. OTTAWA COUNTY USD 239	SOUTHEAST OF SALINE USD 306
CONCORDIA USD 333	**NORTHERN VALLEY USD 212**	**SOUTHERN CLOUD USD 334**
ELL-SALINE USD 307	**OSBORNE COUNTY USD 392**	**STOCKTON USD 271**
ELLSWORTH USD 327	OTIS-BISON USD 403	**SYLVAN GROVE USD 299**
GRAHAM COUNTY USD 281	**PALCO USD 269**	**THUNDER RIDGE USD 110**
HAMILTON USD 390	**PARADISE-NATOMA USD 399**	**TWIN VALLEY USD 240**
HAYS USD 489	**PAWNEE HEIGHTS USD 496**	VICTORIA USD 432
HERINGTON USD 487	**PHILLIPSBURG USD 325**	**WACONDA USD 272**
HESSTON USD 460	**PIKE VALLEY USD 426**	WaKEENEY USD 208
	PLAINVILLE USD 270	WHEATLAND USD 292

PURPOSE

The purpose of the Center shall be to cooperatively provide educational services in the areas of staff development, media services, curriculum development, volume purchasing, technology support, and any other purpose authorized by law, such member unified school districts desire to provide on a cooperative basis. This Agreement shall be for a term of five (5) years commencing July 1, 2024.

BOARD OF DIRECTORS, OFFICERS, AND EXECUTIVE COMMITTEE

The Center shall be governed by a Board of Directors consisting of a member of the Board of Education of each of the member school districts. According to K.S.A. 72-13,100, vacancies in the membership of the Board of Directors shall be filled within thirty (30) days from the date of the vacancy by appointment of a member by the appropriate Board of Education.

The Board of Directors shall establish a nine member executive board, which shall be known as the Executive Cabinet of the Board of Directors, with members to be selected by the Board of Directors from its membership. The Board of Directors shall designate the duties and functions which are delegated by the Board of Directors to the Executive Cabinet. The Executive Cabinet shall meet monthly and may be accompanied by their district superintendents who will serve in an advisory capacity. The Superintendents' Advisory Council will meet monthly to review new/continuing programs.

The Executive Cabinet (which acts on behalf of the Board of Directors) shall be selected by an election process. Member districts will be placed within a cluster of other districts.
The largest district(s) shall be put in a single cluster. Every year, Executive Cabinet members and alternates will be elected from each of the nine clusters. Terms of the office are one year, however, there is no limit on the number of terms served.

The Executive Cabinet shall elect from its members a chair and vice-chair who shall serve in the absence or incapacity of the chairperson. The Executive Cabinet shall also appoint an acting or permanent Executive Director of the Center, a Clerk of the Center, and a Treasurer of the Center. The Executive Director, Clerk, and Treasurer shall receive compensation and shall perform such duties as prescribed by the Board. The Executive Director, Clerk, and Treasurer will be bonded.

The Executive Cabinet shall adopt policies, rules, and regulations to implement the cooperative agreement including, but not necessarily limited to, procedures for financing the operation of the Center, acquisition of property, employment of personnel, personnel policies and procedures, budget preparation and administration, establishment of curriculum, disposition of property of the Center upon complete termination of this agreement, and such other policies, rules and regulation normally adopted by a Unified School District within the limitations imposed by the board of directors and K.S.A. 72-13,100.

METHOD OF FINANCING

Each member school district which is a party to this Agreement agrees to finance the operation of the Center in the manner hereinafter specified. The funds required to operate the Center shall be derived from fees charged by the Center for contracted services provided to Unified School Districts and other educational institutions, districts and organizations, plus funds anticipated to be received from state and federal projects, grants and aid, plus an annual assessment to be set by the Executive Cabinet and charged to each district that participates in the Center. This annual assessment shall be based on a base assessment per district, plus a per pupil fee.

A proposed tentative budget shall be presented to the Executive Cabinet by September of each year and the budget of the Center shall be established by the Executive Cabinet for the school year for which said budget is proposed. Each member school district agrees that it will pay such fees and assessments as are lawfully established by the Executive Cabinet within sixty (60) days of being billed for the same. If any member school district believes that the per pupil assessment is an amount greater than it is able to pay due to budgetary constraints, then said district may appeal such assessment to the Executive Cabinet. If the Executive Cabinet finds that such appeal is meritorious, the Executive Cabinet may reduce the assessment to said district.

ACQUISITION AND DISPOSITION OF PROPERTY

All property, both real and personal, acquired by the Center shall be taken in the name of the Center and shall be the property of the Center and not the property of any participating school district. If any such property is sold while this Agreement is in effect, the proceeds of such sale shall be paid into the treasury of the Center and may be expended in any lawful manner as approved by the Executive Cabinet of the Center. Upon complete termination and non-renewal of this Agreement, the Executive Cabinet shall have the authority to distribute said property, as herein provided, to member school districts who have entered into this Agreement. (See Attachment D)

At least twelve (12) months prior to the expiration date of this Agreement, each Board of Education may choose to give written notice to the Executive Cabinet of the Center if their school district desires to withdraw from the Agreement and they no longer want to continue to participate in the Center.

If two or more of the Boards of Education express the desire to continue their Agreement with the Center, the Center shall not be disorganized, but shall be continued under a new Agreement as prescribed in K.S.A. 72-13,100. In such event, all of the real and tangible personal property of the Center shall be transferred to and become the sole property of the Center as continued under terms of the new agreement. Any withdrawing school district or districts shall not be entitled to any part of the property of the Center or to any cash balance of the Center.

If fewer than two Boards of Education express the desire to renegotiate an agreement to continue the Center, the Center shall be disorganized as of the expiration date of this Agreement, and the property of the Center shall be disposed of in the manner prescribed in the following paragraphs:

1. If the Center is disorganized upon termination of this Agreement, the Executive Cabinet shall have the authority to equitably distribute the property of the Center to participating school district or districts, or to sell the property and distribute the cash proceeds as herein provided. If a distribution of the property of the Center cannot be agreed upon by at least five members of the Executive Cabinet, the Executive Cabinet shall sell the property of the Center and deposit the proceeds thereof in the treasury of the Center.

2. All monies in the treasury of the Center at the time of disorganization of the Center shall be distributed to each school district which has entered into this Agreement in the same portion that the school district has contributed to the financing of the Center during the final year of this Agreement.

This Agreement shall be subject to change or termination by the Kansas Legislature.

INDEMNIFICATION

Each member school district shall be solely responsible for its actions or failure to act and shall not indemnify or hold harmless against damages, injury, or death resulting from the actions or failure to act on the part of any other school district that is a party to this contract.

MANDATORY PROVISIONS

In accordance with K.S.A. 72-8201c and amendments thereto, the mandatory contract provisions prescribed by the Kansas Department of Administration in form DA-146a, as amended, are hereby attached as Attachment E and hereby incorporated by reference.

KANSAS LAW AND VENUE

This contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this contract shall reside only in courts located in the State of Kansas.

ATTACHMENT A

12-2901. Purpose of act. It is the purpose of this act to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities, persons, associations and corporations on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

ATTACHMENT B

72-13,100. Interlocal cooperation agreements; requirements and conditions; duration; partial or complete termination; financing; definitions. (a) In the event the boards of education of any two or more school districts enter into a school district interlocal cooperation agreement for the purpose of jointly and cooperatively performing any of the services, duties, functions, activities, obligations or responsibilities which are authorized or required by law to be performed by school districts of this state, the following conditions shall apply:

(1) A school district interlocal cooperation agreement shall establish a board of directors which shall be responsible for administering the joint or cooperative undertaking. The agreement shall specify the organization and composition of and manner of appointment to the board of directors. Only members of boards of education of school districts party to the agreement shall be eligible for membership on the board of directors. The terms of office of members of the board of directors shall expire concurrently with their terms as board of education members. Vacancies in the membership of the board of directors shall be filled within 30 days from the date of the vacancy in the manner specified in the agreement.

(2) A school district interlocal cooperation agreement may provide for the establishment and composition of an executive board. The members of the executive board, if established, shall be selected by the board of directors from its membership. The executive board shall exercise the powers, have the responsibilities, and perform the duties and functions of the board of directors to the extent authority to do so is delegated by the board of directors.

(3) A school district interlocal cooperation agreement shall be effective only after approval by the state board of education.

(4) A school district interlocal cooperation agreement shall be subject to change or termination by the legislature.

(5) The duration of a school district interlocal cooperation agreement for joint or cooperative action in performing any of the services, duties, functions, activities, obligations or responsibilities, other than the provision of special education services, which are authorized or required by law to be performed by school districts of this state, shall be for a term of at least three years but not exceeding five years.

(6) (A) The duration of a school district interlocal cooperation agreement for joint or cooperative action in providing special education services shall be perpetual unless the agreement is partially or completely terminated in accordance with this provision. This provision applies to every school district interlocal cooperation agreement for the provision of special education services entered into under authority of this section after the effective date of this act and to every such agreement entered into under this section prior to the effective date of this act, and extant on the effective date of this act, regardless of any provisions in such an agreement to the contrary.

(B) Partial termination of a school district interlocal cooperation agreement for the provision of special education services made and entered into by the boards of three or more school districts may be accomplished only upon petition for withdrawal from the agreement by a contracting school district to the other contracting school districts and approval by the state board of written consent to the petition by such other school districts or upon order of the state board after appeal to it by a school district from denial of consent to a petition for withdrawal and hearing thereon conducted by the state board. The state board shall consider all the testimony and evidence brought forth at the hearing and issue an order approving or disapproving withdrawal by the school district from the agreement.

(C) Complete termination of a school district interlocal cooperation agreement for the provision of special education services made and entered into by the boards of two school districts may be

accomplished upon approval by the state board of a joint petition made to the state board for termination of the agreement by both of the contracting school districts after adoption of a resolution to that effect by each of the contracting school districts or upon petition for withdrawal from the agreement made by a contracting school district to the other contracting school district and approval by the state board of written consent to the petition by such other school district or upon order of the state board after appeal to it by a school district from denial of consent to a petition for withdrawal and hearing thereon conducted by the state board. The state board shall consider all the testimony and evidence brought forth at the hearing and issue an order approving or disapproving withdrawal by the school district from the agreement.

(D) Complete termination of a school district interlocal cooperation agreement for the provision of special education services made and entered into by the boards of three or more school districts may be accomplished only upon approval by the state board of a joint petition made to the state board for termination of the agreement by not less than 2/3 of the contracting school districts after adoption of a resolution to that effect by each of the contracting school districts seeking termination of the agreement. The state board shall consider the petition and approve or disapprove termination of the agreement.

(E) The state board shall take such action in approving or disapproving the complete or partial termination of a school district interlocal cooperation agreement for the provision of special education services as the state board deems to be in the best interests of the involved school districts and of the state as a whole in the provision of special education services for exceptional children. Whenever the state board has disapproved the complete or partial termination of such an agreement, no further action with respect to such agreement shall be considered or taken by the state board for a period of not less than three years.

(7) A school district interlocal cooperation agreement shall specify the method or methods to be employed for disposing of property upon partial or complete termination.

(8) Within the limitations provided by law, a school district interlocal cooperation agreement may be changed or modified by affirmative vote of not less than 2/3 of the contracting school districts.

(b) Except as otherwise specifically provided in this subsection, any power or powers, privileges or authority exercised or capable of exercise by any school district of this state, or by any board of education thereof, may be jointly exercised pursuant to the provisions of a school district interlocal cooperation agreement. No power or powers, privileges or authority with respect to the levy and collection of taxes, the issuance of bonds, or the purposes and provisions of the Kansas school equity and enhancement act, K.S.A. 2018 Supp. 72-5131 et seq., and amendments thereto, or title I of public law 874 shall be created or effectuated for joint exercise pursuant to the provisions of a school district interlocal cooperation agreement.

(c) Payments from the general fund of each school district which enters into any school district interlocal cooperation agreement for the purpose of financing the joint or cooperative undertaking provided for by the agreement shall be operating expenses.

(d) Upon partial termination of a school district interlocal cooperation agreement, the board of directors established under a renegotiated agreement thereof shall be the successor in every respect to the board of directors established under the former agreement.

(e) Nothing contained in this section shall be construed to abrogate, interfere with, impair, qualify or affect in any manner the exercise and enjoyment of all of the powers, privileges and authority conferred upon school districts and boards of education thereof by the provisions of the interlocal cooperation act, except that boards of education and school districts are required to comply with the provisions of this section when entering into an interlocal cooperation agreement that meets the definition of school district interlocal cooperation agreement.

(f) As used in this section:

(1) "School district interlocal cooperation agreement" means an agreement which is entered into by the boards of education of two or more school districts pursuant to the provisions of the interlocal cooperation act.

(2) "State board" means the state board of education.

ATTACHMENT C

12-2903. Definitions. As used in the interlocal cooperation act:

(a) "Public agency" means:

(1) Any county, township, city, school district, library district, road district, drainage district, sewer district, water district or fire district;

(2) any entity created pursuant to K.S.A. 12-2901 et seq. or chapter 72 of the Kansas Statutes Annotated, and amendments thereto;

(3) any other municipal corporation, quasi-municipal corporation or political subdivision of this state or of any other state which is not specified in paragraphs (1) and (2);

(4) any state officer; and

(5) any agency or instrumentality of this state or any other state or of the United States.

(b) "State" means a state of the United States and the District of Columbia.

(c) "Private agency" means an individual, firm, association or corporation.

(d) "State officer" shall mean the governor, attorney general, secretary of state, state treasurer and insurance commissioner of the state of Kansas.

(e) "Native American Indian tribes" shall mean federally-recognized Native American Indian tribes.

(f) "Gaming compact" shall mean a gaming compact as defined by K.S.A. 46-2301, and amendments thereto.

ATTACHMENT D

ACQUISTION AND DISPOSITION OF PROPERTY

All property, both real and personal, acquired by the Center through a merger between Smoky Hill/Central Kansas Education Service Center, North Central Kansas Education Service Center and Fort Hays Educational Development Center shall become the property of the Center and not property of any participating school district. If any such property is sold while this Agreement is in effect, the proceeds of such sale shall be paid into the treasury of the Center and may be expended in any lawful manner as approved by the Executive Cabinet of the Center. (See page 3 of Interlocal Agreement for disposition of property if the Center dissolves.)

Exception

An exception is the building located at 605 E. Crawford along with the adjoining tract of land and parking lots in the city of Salina, Kansas. Since the school districts listed below have purchased equity in this property, they retain complete ownership and all property rights including any revenue generated through its sale if the Center should dissolve.

ABILENE USD 435
CENTRAL PLAINS USD 112
CHAPMAN USD 473
ELL-SALINE USD 307
ELLSWORTH USD 327
HERINGTON USD 487
RURAL VISTA USD 481
SALINA USD 305
SYLVAN GROVE USD 299
TWIN VALLEY USD 240

ATTACHMENT E

State of Kansas
Department of Administration DA-146a
(Rev. 07-19)

CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 07-19), which is attached hereto, are hereby incorporated in this contract and made a part thereof.

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the _____ day of _____ , 20___.

1. **Terms Herein Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.

2. **Kansas Law and Venue:** This contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this contract shall reside only in courts located in the State of Kansas.

3. **Termination Due To Lack Of Funding Appropriation:** If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least thirty (30) days prior to the end of its current fiscal year and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to ninety (90) days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of the State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.

4. **Disclaimer Of Liability:** No provision of this contract will be given effect that attempts to require the State of Kansas or its agencies to defend, hold harmless, or indemnify any contractor or third party for any acts or omissions. The liability of the State of Kansas is defined under the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.).*

5. **Anti-Discrimination Clause:** The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001, *et seq.)* and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111, *et seq.)* and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101, *et seq.)* (ADA), and Kansas Executive Order No. 19-02, and to not discriminate against any person because of race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation that is unrelated to the person's ability to reasonably perform the duties of a particular job or position; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) tocomply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) Contractor agrees to comply with all applicable state and federal anti-discrimination laws and regulations; (g) Contractor agrees all hiring must be on the basis of individual merit and qualifications, and discrimination or harassment of persons for the reasons stated above is prohibited; and (h) if is determined that the contractor has violated the provisions of any portion of this paragraph, such violation shall constitute a breach of contract and the contract may be canceled, terminated, or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.

6. **Acceptance of Contract:** This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.

7. **Arbitration, Damages, Warranties:** Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State or its agencies have agreed to binding arbitration, or the payment of damages or penalties. Further, the State of Kansas and its agencies do not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages available to the State of Kansas or its agencies at law, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose.

a. **Representative's Authority to Contract:** By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.

9. **Responsibility for Taxes:** The State of Kansas and its agencies shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.

10. **Insurance:** The State of Kansas and its agencies shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this contract, nor shall this contract require them to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.),* the contractor shall bear the risk of any loss or damage to any property in which the contractor holds title.

11. **Information: No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101, *et seq.***

12. **The Eleventh Amendment:** "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."

13. **Campaign Contributions / Lobbying:** Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by the President of the Board of Education in each of the respective Districts:

_____	_____
President, USD 435	Board Clerk, USD 435
_____	_____
President, USD 273	Board Clerk, USD 273
_____	_____
President, USD 112	Board Clerk, USD 112
_____	_____
President, USD 397	Board Clerk, USD 397
_____	_____
President, USD 473	Board Clerk, USD 473
_____	_____
President, USD 224	Board Clerk, USD 224
_____	_____
President, USD 333	Board Clerk, USD 333
_____	_____
President, USD 307	Board Clerk, USD 307
_____	_____
President, USD 327	Board Clerk, USD 327
_____	_____
President, USD 281	Board Clerk, USD 281
_____	_____
President, USD 487	Board Clerk, USD 487

President, USD 431	Board Clerk, USD 431
President, USD 347	Board Clerk, USD 347
President, USD 502	Board Clerk, USD 502
President, USD 326	Board Clerk, USD 326
President, USD 212	Board Clerk, USD 212
President, USD 392	Board Clerk, USD 392
President, USD 269	Board Clerk, USD 269
President, USD 399	Board Clerk, USD 399
President, USD 496	Board Clerk, USD 496
President, USD 325	Board Clerk, USD 325
President, USD 426	Board Clerk, USD 426

President, USD 270

Board Clerk, USD 270

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President, USD 109

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Board Clerk, USD 109

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President, USD 107

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Board Clerk, USD 107

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President, USD 481

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Board Clerk, USD 481

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President, USD 407

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Board Clerk, USD 407

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President, USD 305

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President, USD 271

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Board Clerk, USD 271

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President, USD 299

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Board Clerk, USD 299

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President, USD 110

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Board Clerk, USD 110

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President, USD 240

_____
Board Clerk, USD 240

_____	_____
President, USD 272	Board Clerk, USD 272

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by the President of the Board of Education in each of the respective Districts:

President, USD 435

Board Clerk, USD 435

President, USD 273

Tiffany Schroeder
Board Clerk, USD 273

President, USD 112

2-12-24
Board Clerk, USD 112

Terry Deines
President, USD 397

Marianne Kothman
Board Clerk, USD 397

Brenda Edleston
President, USD 473

Board Clerk, USD 473

President, USD 224

Board Clerk, USD 224

President, USD 333

Board Clerk, USD 333

President, USD 307

Board Clerk, USD 307

President, USD 327

Board Clerk, USD 327

President, USD 281

Board Clerk, USD 281

President, USD 487

Board Clerk, USD 487

President, USD 431

Board Clerk, USD 431

President, USD 347

Board Clerk, USD 347

President, USD 502

Board Clerk, USD 502

President, USD 326

Board Clerk, USD 326

President, USD 212

Board Clerk, USD 212

President, USD 392

Board Clerk, USD 392

President, USD 269

Board Clerk, USD 269

President, USD 399

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President, USD 271

Board Clerk, USD 271

President, USD 299

Board Clerk, USD 299

President, USD 110

Board Clerk, USD 110

President, USD 240

Board Clerk, USD 240

President, USD 272

Board Clerk, USD 272

APPROVAL OF THE:

SMOKY HILL EDUCATION SERVICE CENTER
INTERLOCAL AGREEMENT
JULY 1, 2024 – JUNE 30, 2029

_____ _____

CHAIR
KANSAS STATE BOARD OF EDUCATION

DATE

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 p.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Scott Gordon	Scott Gordon	Randy Watson		

Item Title:

Act to approve renewal of the Southwest Plains Regional Service Center Interlocal Agreement

Recommended Motion:

It is moved that the Kansas State Board of Education approve renewal of the Southwest Plains Regional Service Center Interlocal Agreement.

Explanation of Situation Requiring Action:

K.S.A. 72-13,100 authorizes school districts to enter into agreements for the purpose of jointly and cooperatively performing any of the services, duties, functions, activities, obligations, or responsibilities which are authorized or required by law to be so performed. The Southwest Plains Regional Service Center's renewed agreement has been signed by all the two participating cooperatives and now awaits final approval by the State Board. KSDE's General Counsel has reviewed the amended agreement. The agreement, which is attached in the following pages, complies with all statutory and regulatory requirements.

SOUTHWEST PLAINS REGIONAL SERVICE CENTER
INTERLOCAL AGREEMENT

For July 1, 2024 to June 30, 2029

This Interlocal Agreement is made pursuant to the provisions of K.S.A. 12-290 1 and K.S.A. 72-13,100, et seq. This agreement is made with the sincere desire that all interlocal entities and all cooperating unified school districts work together for the mutual benefit of the children we serve.

1. NAME

The following entities (Member Districts), to-wit:

Interlocal #611	High Plains Educational Cooperative
Interlocal #613	Southwest Kansas Area Cooperative

have previously executed and entered into an Interlocal Agreement for the establishment of the Southwest Plains Regional Service Center, with a termination date of June 30, 2024 (Prior Interlocal Agreement) and desire to continue the Southwest Plains Regional Service Center (Service Center) as a separate legal entity under this renegotiated agreement.

The Member Districts, by and through their representative boards, have each adopted a resolution authorizing the Member Districts to enter into this renegotiated agreement.

2. PURPOSE

A. The purpose of this Service Center shall be to cooperatively provide functions which the Member Districts and Associate Members of the Service Center hereof desire, and to meet any educational requirement imposed by the Kansas legislature. It is important to note that the primary objective is not to provide any special education services.

B. The Service Center will provide leadership and provide cooperative effort in the establishment and maintenance of quality service for members, associate members and other clients.

3. BOARD OF DIRECTORS AND OFFICERS

A. The Service Center shall be administered by a Board of Directors (SWPRSC Board) composed of eight (8) Board members as follows:

(i) Four (4) members appointed by High Plains Educational Cooperative #611. One (1) appointee shall be the Director or Assistant Director of HPEC #611, with the other three (3) appointees to be members of the Board of Education of an Associate Member of the Service Center which is also a constituent member of the High Plains Educational Cooperative.

(ii) Four (4) members appointed by Southwest Kansas Area Cooperative #613. One (1) appointee shall be the Director or Assistant Director of SKACD #613, with the other three (3) appointees to be members of the Board of Education of an Associate Member of the Service Center which is also a constituent member of the Southwest Kansas Area Cooperative.

A. When a vacancy occurs on the SWPRSC board of directors, HPEC or SKACD directors will work together with the CEO of SWPRSC to name a suitable replacement that will meet the requirements of this agreement. Upon approval by the HPEC or SKACD board of directors, the new board member will be welcomed to the SWPRSC board of directors within 30 days per statute 72-13,100(a)(2).

B. Each of the Member Districts shall retain the authority to designate at any time a replacement for said Member District's appointee for the SWPRSC Board. Any

replacement so designated shall not have the power or authority to act on behalf of the appointing Member District until such time as the Service Center is provided with a copy of the proceedings wherein said change was made, so attested to by the Clerk of the Board of Directors of the Member District.

C. A simple majority of the eight (8) members of the SWPRSC Board shall constitute a quorum and said quorum must be present prior to the conduct of any business of said Board. A simple majority of the entire membership of the SWPRSC Board, except as otherwise herein provided, shall be required to pass or adopt any motion, resolution or lawfully act upon any other matter which comes before the Board. Any member who abstains from voting shall be counted as having voted against the motion or resolution. If a member announces a conflict of interest with regard to any issue, the member may leave the meeting until the voting on the issue is concluded and the member shall not be counted as having voted but shall be counted as being present for purposes of establishing a quorum.

D. Regular meetings of the SWPRSC Board shall be held monthly or as otherwise determined by the Board. The Board shall, at its first meeting in July of each year, establish prescribed meeting dates for future meetings. Should the lack of a quorum prevent the holding of a meeting on a prescribed date, the meeting may be held as soon thereafter as practicable.

E. Special meetings of the SWPRSC Board may be called at the discretion of the President of the Board and notification to the Directors. A special meeting shall be called by the President of the Board upon written application of at least three (3) Board members. Notice of the special meeting shall be given at least forty-eight (48) hours in advance by mail, telephone or any other means whereby actual notice may be given.

F. In the event any member of the Board of Directors is unable to personally attend a SWPRSC Board meeting, but is available by tele-conference or video-conference, said

Board member may participate in the meeting by means of tele-conference or video-conference and participation by said Board member by such means shall constitute the presence of such Board member at the meeting as if the Board member was personally present at the meeting.

G. At the first meeting of the SWPRSC Board in July of each year, the Board shall elect a President and Vice-President, each of whom shall be members of the Board. In the absence or inability of the President to act, the Vice-President shall perform the duties of the President. In the absence or inability of both the President and the Vice-President to act, the remaining members of the Board shall select a member to act in the capacity of President.

H. The SWPRSC Board shall appoint a Clerk and a Treasurer who shall not be members of the SWPRSC Board. The Board may also appoint and hire one or more Executive Directors and such other persons as the Board deems necessary and shall grant to them such powers, duties and authority as the Board deems appropriate and necessary.

The Clerk of the Service Center shall keep an accurate journal of the proceedings of the SWPRSC Board and shall have the care and custody of the records, books and documents of the Board. The Clerk shall also prepare and submit to or for the Board all reports and perform such other duties as are prescribed or required by the Board and by law. The Treasurer of the Service Center shall deposit all monies of the Service Center in accordance with the provisions of Chapter 9, Article 14 of the Kansas Statutes Annotated. The Treasurer shall also prepare a written report monthly of the finances of the Service Center and shall prepare such other reports and perform such other duties as are required or prescribed by the Board or by law. Said Treasurer shall, before entering upon the discharge of duties, furnish a corporate surety bond in an amount fixed by the Board, with said bond subject to the approval by the Board and paid for by the Service Center; PROVIDED HOWEVER, the Board may waive the requirement of a surety bond if either the Treasurer or the Service Center has an appropriate policy of insurance.

I. The Clerk, Treasurer, Executive Directors, if any, and any other persons appointed or hired by the Board shall receive compensation as prescribed by the Board or by law.

J. The SWPRSC Board, as soon as practicable after this agreement has been approved by the Kansas State Board of Education, shall adopt policies, rules and regulations to implement this agreement and for the operation of said Service Center, including, but not necessarily limited to, procedures for financing the operation of the Service Center, acquisition of property, employment of personnel, personnel policies and procedures, budget preparations and administration, disposition of property of the Service Center upon dissolution or merger with another Service Center, and such other policies, rules and regulations normally adopted by the Board of Education of a unified school district.

K. The SWPRSC Board may establish special committees from among its membership to perform any special tasks as necessary for the Board, except any committee so created shall not have the power to act for or on behalf of the Board. Any special committee will cease to function upon completion of its duties or within one year.

L. The President may appoint a President's Advisory Council annually. The membership of the President's Advisory Council will be recommended by the President and approved by the Board. The advisory council may be composed of Board members, interlocal directors and superintendents.

M. In order to better promote communication and cooperation between the respective Member Districts and Associate Member and the Service Center, a Superintendents' Advisory Council shall be established, composed of one (1) superintendent/administrator or their designee from diverse member districts who will represent all Member Districts and Associate Member Districts located in the SW Kansas area. The Superintendents' Advisory Council shall have no power to act for or on behalf of the SWPRSC Board or the Service Center. The Executive Directors and such other personnel as may be requested by the Superintendents'

Advisory Council shall meet periodically with the Superintendents' Advisory Council to review and discuss items of concern relative to the Service Center, its Member Districts and Associate Members.

4. FINANCING

It is hereby agreed that payment for services to be delivered by the Service Center shall be calculated and determined as follows;

A. The fiscal year for the Service Center shall be from July 1 to June 30.

B. A Service Center budget for each fiscal year shall be approved and adopted by the SWPRSC Board on or before the 3rd board meeting of each year.

C. Each Associate Member shall pay an annual assessment fee, based upon the size of the district and approved by the SWPRSC board of directors, for each year or portion of a year during which the Associate Member is an Associate Member of the Service Center. Payment by the Associate Member shall be on or before September 1 of the fiscal year for which the Associate Member is an Associate Member of the Service Center.

D. The SWPRSC Board shall have the authority to establish from time to time new services and/or programs to be offered by the Service Center and shall further have the authority from time to time to dissolve or terminate any then existing services and/or programs offered by the Service Center. The cost of such services or programs plus an administrative fee for each service or program as established by the SWPRSC Board shall be pro-rated among the Member Districts or Associate Members purchasing such services or programs. Member Districts and Associate Members purchasing such services or programs shall be billed and payment shall be made in accordance with the billing and payment procedures adopted and approved by the SWPRSC Board.

E. The provisions of this paragraph relating to financing may be altered and/or changed at any time upon unanimous agreement of the Member Districts of the Service Center

upon the passage of a duly adopted resolution by each of the Member Districts. Such resolution shall state the manner in which the terms of this paragraph relating to financing are being changed and the time period, if appropriate, during which said alternate method of financing shall be in effect. Each Member District and Associate Member shall not be required to commit funds beyond each current budget year in accordance with the cash basis law.

5. PROPERTY TRANSFER

A. DURING TERM OF AGREEMENT

The Member Districts hereby acknowledge the transfer to the Service Center under this Interlocal Agreement of all property previously held by the Service Center under the Prior Interlocal Agreement and specifically acknowledge that said property is transferred to the Service Center under this renegotiated agreement.

All property, both real and personal, acquired by the Service Center shall be taken in the name of the Service Center and shall be the property of the Service Center, and not the property of any Member District or Associate Member. If any such property is sold while this agreement is in effect, the proceeds of such sale shall be paid into the treasury of the Service Center and may be expended in any lawful manner as directed by the SWPRSC Board.

B. TRANSFER ON DISSOLUTION

Upon dissolution, the SWPRSC Board shall have the authority to distribute the property of the Service Center to the Member Districts and Associate Members or sell the property and distribute the cash proceeds as herein provided. Where possible, the SWPRSC Board shall endeavor to distribute programs, services and fixed assets utilized in connection therewith and the money attributed to each program to those entities utilizing said program and/or service.

If a distribution of property cannot be agreed upon by at least two-thirds of the members of the SWPRSC Board, then the SWPRSC Board shall sell such property at either private or public sale for cash. Proceeds from the sale of the property used in the general administration of the Service Center or utilized by all programs shall be paid into the general treasury account of the Service Center. For all other property, used by one or more but less than all of the particular programs offered by the Service Center, proceeds from the sale of such property shall be paid into the separate program accounts for the respective programs for which said property is utilized; PROVIDED HOWEVER, in the event any such property is utilized by more than one program, the proceeds shall be divided equally between the various respective program accounts.

All monies and cash in each respective program account at the time of dissolution shall be distributed to those who are Members or Associate Members at the time of dissolution and who utilized the program and/or service during the term of this agreement and the said distribution shall be made on a pro-rata basis based upon the number of years each Member or Associate Member has utilized and/or participated in the program or service.

All monies in the general fund account of the Service Center at the time of dissolution shall be distributed to each Associate Member equally if: (1) the Associate Member is a member on the date of dissolution; and (2) the Associate Member has been a member for all five (5) years from July 1, 2024 through June 30, 2029.

C. TRANSFER ON RENEGOTIATION

If two (2) Member Districts express the desire to renegotiate an agreement to continue the Service Center beyond June 30, 2029, the Service Center shall not be dissolved but shall be continued under a renegotiated agreement with the Member Districts agreeing to the renegotiated agreement. In such event, all of the real and tangible personal property of the

Service Center shall be deemed transferred to and shall become the sole property of the Service Center as continued under the terms of the renegotiated agreement.

6. FACILITIES

Each party signatory and all subsequent Associate Members hereto agree that it shall be responsible for providing adequate facilities as may be required by the Service Center in which to provide any service to the participating Member District or Associate Member.

7. ENTRY AND WITHDRAWAL

A. In the event either Member District desires to not participate in the renegotiation of this Interlocal Agreement after the natural termination of this agreement, said Member District shall give notice on or before January 1, 2029 of said Member District's intent not to participate in said renegotiation; PROVIDED FURTHER, in the event said Member Districts are unable to renegotiate an Interlocal Agreement to continue for an additional five (5) years after the term hereof, the Service Center shall be deemed to be dissolved and the SWPRSC Board shall proceed to dispose of the property of the Service Center pursuant to Section 5 above.

In the event any Associate Member desires not to be an Associate Member of the Service Center under a renegotiated agreement upon the natural termination date of this agreement, then in that event the Associate Member must give written notice on or before January 1, 2029 of the Associate Member's intent to withdraw from the Service Center effective June 30, 2029; PROVIDED FURTHER, in the event the Associate Member does not give such written notice of intent not to participate, the Associate Member shall thereupon be an Associate Member of the Service Center under the renegotiated Interlocal Agreement.

B. In the event any Associate Member desires to withdraw from the Service Center prior to the natural termination date of June 30, 2029, said party shall submit a petition requesting withdrawal from the Service Center to the SWPRSC Board at the central business

office at least six (6) months prior to the beginning of the next fiscal year in order to be considered by the SWPRSC Board for withdrawal from the Service Center,

(i) The withdrawal from the Service Center by any Associate Member District shall require the approval of two-thirds of the members of the SWPRSC Board

(ii) Any Associate Member which has petitioned the Board for withdrawal pursuant to paragraph B above shall be entitled to withdraw effective June 30 of the fiscal year in which the petition for withdrawal is filed.

(iii) Any decision by any member to separate from the interlocal agreement is subject to approval by the Kansas State Board of Education.

C. In the event any Associate Member ceases to exist as a separate entity prior to the natural termination date of June 30, 2029, by reason of consolidation, legislation, or other reason, then in that event, such Associate Member shall automatically cease to be an Associate Member of the Service Center without further action effective on the date upon which the Associate Member's existence is terminated.

D. Any college, community college, vocational-technical school, unified school district, educational cooperative established by an Interlocal Agreement, or any other governmental entity or subdivision (Eligible Entity) shall be eligible for membership as an Associate Member of the Service Center. Any such Eligible Entity which desires to be an Associate Member of the Service Center must submit to the SWPRSC Board an application for associate membership in accordance with the policies and procedures as adopted by the SWPRSC Board from time to time. No Eligible Entity shall become an Associate Member except upon approval by a majority of the members of the SWPRSC Board, In the event of approval of said Eligible Entity as an Associate Member in the Service Center, the effective date of such associate membership shall be set by the SWPRSC Board; PROVIDED FURTHER, such associate membership shall be subject to the following conditions:

(i) Any new Associate Member shall pay an annual fee, approved by the SWPRWC board of directors, for each fiscal year or any part thereof in which the Associate Member is an Associate Member of the Service Center.

(ii) No Associate Member shall be entitled to appoint any members to the SWPRSC Board and shall have only those powers as specifically granted to Associate Members hereunder.

E. The Service Center shall be authorized to provide programs and services to any business or governmental entity which is neither a Member nor an Associate Member upon such terms and conditions and for such fees as established and approved by the SWPRSC Board.

F. In the event any Member District or Associate Member shall default or fail to perform its respective contractual obligations hereunder, then in that event, the SWPRSC Board may, by simple majority, suspend or expel such Member District or Associate Member, or may initiate proceedings for recovery of all amounts owing to the Service Center from the defaulting Member District or Associate Member, together with damages suffered by Service Center by reason of such default; PROVIDED FURTHER, in the event such proceedings are initiated, Service Center shall be entitled to recover its costs and expenses, including reasonable attorney fees.

8. EFFECTIVE DATE

A. The term of this agreement shall be for five (5) years. It shall become effective July 1, 2024, subject to appropriate resolutions of the Member Districts approving participation and upon approval by the Kansas State Board of Education, and shall terminate on June 30, 2029, subject to renegotiation as herein before set forth.

B. This Interlocal Agreement may be amended only by the unanimous consent of all SWPRSC Board members and approval by appropriate resolution of the Board of each

Member District. Any amendment to the provisions of this Agreement shall be made by written addendum hereto and shall be binding upon the Member Districts and Associate Members from and after the date of said addendum.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by the President of the Governing Board of each of the respective parties.

Phoebe Blumenstatt
President, Interlocal #611

President, Interlocal #613

Mary A. James
Attest: Clerk

Attest: Clerk

2/15/2024
Date

2/20/2024
Date

RESOLUTION

WHEREAS, the Board of Directors of High Plains Educational Cooperative, Interlocal #611 desires to cooperatively provide quality Educational Services to meet the needs of the students in our local district; and

WHEREAS, the renegotiation of the Southwest Plains Regional Service Center Interlocal Agreement, effective July l, 2024, is an efficient and effective means of providing such services**.**

NOW, THEREFORE, we join and support the separate legal entity as a Member District and approve and ratify the renegotiated Interlocal Agreement with an effective date of July 1, 2024.

Motion passed at the duly scheduled meeting on _____ at which a quorum was present.

ATTEST: _____

Clerk

REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: **7 q.**

Staff Initiating:	**Director:**	**Commissioner:**	**Meeting Date:**	**6/12/2024**
Scott Gordon	Scott Gordon	Randy Watson		

Item Title:

Act on request to increase funding with contract for the Office of Administrative Hearings for services

Recommended Motion:

It is moved that the Kansas State Board of Education to increase the funding with the contract of the Office of Administrative Hearings in an amount not to exceed $200,000 through June 30, 2025. The original authorization was for up to $80,000.

Explanation of Situation Requiring Action:

The Office of Administrative Hearings provides duly qualified hearing officers to the Kansas State Department of Education for the following purposes: OAH will provide presiding officer/administrative law judge services including but not limited to conducting prehearing conferences, issuing prehearing orders, ruling on discovery requests, assisting the PPC chairperson with the hearings, rule on evidentiary issues at hearings, and drafting PPC initial orders.

Additionally, the Kansas State Board of Education is required by law to provide school districts and parents with an administrative appeal of a hearing officer's ruling in due process cases. The State Board is required to provide these review officers per state law. The Office of Administrative Hearings provides the hearing officers appointed for this purpose.

The Office of Administrative Hearings also provides review officers as requested due to fiscal actions taken by KSDE which are appealed by child nutrition program sponsors.

During this fiscal year, we've had a number of due process appeals and PPC cases that have exceeded the costs typically spent on such cases which is why we're asking for authority to increase the funding amount.